

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
REGULAR SESSION 1981

VOL. II



FOB JAMES, Governor
GEORGE D. H. McMILLAN, Lieutenant Governor
FINIS ST. JOHN, President Pro-Tem of the Senate
JOE C. McCORQUODALE, JR., Speaker of the House
RICHARD S. MANLEY, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House

WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1981 Regular Session of the Legislature of Alabama and is the official publication of such acts.

Don Siegelman
Secretary of State

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Act No. 81-576

H. 665—Rep. Warren

AN ACT

Relating to Conecuh County; regulating and providing for the payment of compensation of election officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The officers appointed to hold elections in Conecuh County shall each be entitled to \$25.00. The returning officer shall also be entitled to mileage as prescribed in section 17-6-13 of the Code of Alabama 1975, as amended. The several claims shall be paid as preferred claims, out of monies in the county treasury not otherwise appropriated, on proper proof of service rendered. However, amounts paid to election officers under this Act for compensation, per diem or mileage in excess of the amounts prescribed by general laws shall not in any case be reimbursable by the state.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-577

H. 764—Rep. Warren

AN ACT

Relating to Monroe County; providing for the election of the superintendent of education; providing that only qualified electors residing in the school district served by such superintendent shall be entitled to vote in such election; and providing that this act shall become operative upon a majority of the qualified electors presiding in such district voting in favor of the election of the superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. A superintendent of education for Monroe County shall be elected at the general election held in November 1982 and every four years thereafter.

Section 2. Only those qualified electors residing in the school

district served by such superintendent shall be entitled to vote in said election.

Section 3. The superintendent of education shall hold office for a term of four years, commencing July 1 next succeeding his election. In the event a vacancy occurs in the office, the county board of education is authorized to fill such vacancy for the unexpired term by appointment.

Section 4. The salary of the superintendent shall be fixed by the county board of education.

Section 5. The superintendent of education of Monroe County shall possess all the qualifications prescribed for county superintendents of education by the general laws of the state and shall perform and discharge all the duties of county superintendents of education under the general laws.

Section 6. The question of whether the Monroe County superintendent of education shall be elected shall be submitted to the qualified electors residing in the school district served by the county superintendent of education at the next general, special or county-wide election held in Monroe County after the passage of this act. Notice that such question will appear on the ballot shall be given for thirty days by publication in a newspaper published in said county once a week for three successive weeks. The question to be voted on shall be stated on the ballots or voting machine tabs substantially as follows:

“Do you favor the election of the Monroe County superintendent of education as provided in this Act No. _____, approved _____, 1981.”

If a majority of the votes cast in the referendum are “Yes,” this act shall become operative; if the majority of the votes cast in the election are “No,” then this act shall have no further effect. The probate judge of Monroe County shall certify the results of the referendum to the Secretary of State of Alabama within 30 days after the election returns are canvassed.

Section 7. If no election pursuant to Section 6 of this act is held prior to July 1, 1982, the Monroe County Board of Education shall not appoint any person to such post for any term extending beyond July 1, 1983.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this

act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-578

H. 778—Rep. McCorquodale

AN ACT

Relating to Clarke County; to provide for an expense allowance for the sheriff of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Clarke County shall receive an expense allowance of \$300.00 per month to cover expenses incurred by him in and about the performance of his duties as such officer. This allowance shall be in addition to any salary or allowance now allowed to him by law, and shall be paid to him monthly from the pistol permit fund of the county, or from any other funds which may be available for such purposes.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-579

H. 383—Rep. Owens

AN ACT

To amend Section 40-9-19 of the Code of Alabama 1975, as amended by Act 80-731 of the 1980 Regular Session of the Alabama Legislature relating to homestead exemptions for ad valorem tax purposes for persons 65 years of age or older and disabled or blind so as to prescribe further the amount of exemption.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-9-19 of the Code of Alabama 1975, as amended by Act 80-731 of the 1980 regular session of the Legislature is hereby amended to read as follows:

Section 40-9-19. (a) Homesteads, as defined by the Constitution and laws of Alabama, are hereby exempted from all state ad valorem taxes. In no case shall the exemption herein made apply to more than one person, head of the family, nor shall the said exemption exceed \$2,000.00 in assessed value, nor 160 acres in area for any resident of this state who is not over 65 years of age. The homesteads of residents of this state, over 65 years of age, or who are retired due to permanent and total disability, regardless of age, or who are blind as defined in section 1-1-3, regardless of age or whether such person is retired, shall be exempt from all state ad valorem taxes.

"The state commissioner of revenue is hereby empowered to define and specify the condition or state of health that makes a person 'permanently and totally disabled' and may issue certificates of disability to such person as he may find meets such specifications.

Any person who is drawing any pension or annuity from the armed services or a company or governmental agency as being permanently and totally disabled shall automatically be granted a certificate of permanent and total disability by the state commissioner of revenue.

"(b) For tax years beginning on and after October 1, 1981, for residents of this state not over 65 years of age, homesteads, as defined by the Constitution and laws of Alabama, are hereby exempted from all ad valorem property taxes levied, except ad valorem taxes levied for school districts, by any county of this state. In no case shall such exemption herein made apply to more than one person, head of the family, nor shall the said exemption exceed \$2,000 in assessed value, nor 160 acres in area for any resident of this state who is not over 65 years of age. For tax years beginning on and after October 1, 1981, for residents of this state, over 65 years of age who have an annual adjusted gross income of less than \$12,000 as reflected on the most recent state income tax return or some other appropriate evidence, or who are retired due to permanent and total disability, regardless of age, or who are blind as defined in section 1-1-3, regardless of age or whether such person is retired, homesteads, as defined in the Constitution and laws of Alabama, are hereby exempted from all ad valorem property taxes levied by any county of this state, including such taxes levied for school districts. In no case shall such exemption exceed \$5,000.00 in assessed value, nor 160 acres in area. With respect to homesteads situated in more than one county, the exemption granted herein shall be prorated between the counties in which the

homestead is situated in the proportion that the area of the homestead in each county bears to the total area of the homestead claimed for exemption.

“The department of revenue may by regulation define and specify the condition or state of health that makes a person ‘permanently and totally disabled’ and may issue certificates of disability to any person that meets such specifications. Any person who is drawing any pension or annuity from the armed services, a private company or any governmental agency because he is permanently and totally disabled shall automatically be granted a certificate of permanent and total disability by the department of revenue.”

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-580

H. 844—Rep. Sasser

AN ACT

Relating to Dale County; providing further for the expense allowance of the members of the county board of education and repealing Act No. 77, H. 458, Regular Session 1965 (Acts 1965, p. 104).

Be It Enacted by the Legislature of Alabama:

Section 1. In Dale County, each member of the county board of education is hereby authorized to receive a salary from the public school funds of the county in the amount of \$200 a month and his actual traveling and hotel expenses incurred in attending meetings of the board and transacting the business of the board and shall be payable out of the general fund of the county.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed, and specifically Act No. 77, H. 458, Regular Session 1965 (Acts 1965, p. 104), is hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise be-

coming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-581

H. 959—Reps. Hall, Shavers

AN ACT

Authorizing the Board of County Commissioners or like governing body of Jackson County, Alabama, to appropriate and pay county funds to volunteer nonprofit fire departments and volunteer nonprofit corporations or organizations, organized for the purpose of providing volunteer service in emergency situations arising in said Jackson County, for the purchase of equipment, materials and supplies.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of County Commissioners or other like governing body of Jackson County, may, in its discretion, appropriate and pay county funds, within the financial means of the county, in such amounts as may seem reasonable and necessary to the commissioners or other like governing body of Jackson County, to volunteer nonprofit fire departments or volunteer nonprofit corporations or organizations, organized for the purpose of providing volunteer service in case of emergencies arising in Jackson County, including but not limited to lost children and drowning victims and otherwise furnishing first aid assistance in emergency situations. Such funds so appropriated shall be used for the purchase of equipment, materials or supplies to be used solely for such volunteer nonprofit fire departments or such volunteer nonprofit corporations or organizations. Any appropriation so made shall be paid by the county treasury or depository on warrants drawn in such manner as the county governing body may direct.

Section 2. The legislature finds as a fact that volunteer fire departments perform such essential and necessary public functions as to entitle them to public funds.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage or approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-582

H. 978—Reps. Stout, Rains

AN ACT

Relating to DeKalb County; fixing the fee for the issuance of a pistol permit by the sheriff and providing for the deposit of such fees in a sheriff's fund and repealing Act No. 370, S. 570, 1971 Regular Session (Acts 1971, p. 663).

Be It Enacted by the Legislature of Alabama:

Section 1. In DeKalb County the fee for issuance of a permit to carry a pistol concealed on or about the person or in a vehicle as provided by the Code of Alabama 1975, Title 13, Chapter 6, Section 155, shall be ten dollars (\$10.00) which shall be collected by the sheriff of said county. Any and all monies collected as provided above shall be deposited in any bank within the county into a fund known as the sheriff's fund. Said fund shall be drawn upon by the sheriff of the county or his duly appointed agent and shall be used exclusively for law enforcement purposes and in the discharge of the duties of the sheriff's office as he sees fit. The establishment of the sheriff's fund as provided in this act, and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or for the operation of his office. All funds heretofore obtained from pistol permit fees and credited to any special fund or account in the county treasury under authority of any local or general law shall be returned to the sheriff of such county to be deposited and disbursed as provided below.

Section 2. All laws or parts of laws which conflict with this act are repealed, and specifically Act No. 370, S. 570, 1971 Regular Session (Acts 1971, p. 663), is hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-583

H. 998—Rep. Reed

AN ACT

Relating to Macon County; providing further for the expense allowances of the members of the jury commission; repealing Act No. 80-776, S. 130, 1980 Regular Session (Acts 1980, p. 1611); and providing for the termination of the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. In Macon County, each member of the county jury commission shall receive a \$100.00 per month expense allowance at the discretion of the County Commission. Said expense allowance shall be payable in equal monthly installments, from the county general fund, and shall be payable in addition to any salary, allowance or other compensation payable to such persons by law.

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed and Act No. 80-776, S. 130, 1980 Regular Session (Acts 1980, p. 1611), is hereby specifically repealed.

Section 3. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; provided, however, that the provisions of this Act shall become null and void July 1, 1983, and shall have no force and effect unless such provisions are continued by Act of the legislature.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-584

H. 1000—Rep. Reed

AN ACT

To provide for a special recording fee, in addition to all existing recording fees and charges for documents hereafter filed for record in Macon County; and to prescribe the use thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. On and after the date this act becomes applicable to Macon County, a special recording fee of \$3.00 shall be paid to the county, and collected by its judge of probate, with respect to each real property instrument and each personal property instrument that may be filed for record in the office of said judge of probate and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county, and, on and after such date, no such instrument shall be received for record in the office of said judge of probate unless the said special recording fee of \$3.00 is paid thereon. Said special recording fee shall be in addition to all other fees, taxes and other charges required by law to be

paid upon the filing for record of any real property instrument or personal property instrument, and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county. All special recording fees so collected shall be deposited into the county treasury to the credit of the probate office to be expended by the judge of probate at his discretion for the improvement of the equipment and operations of the probate office, for supplements to the salaries of employees of the probate office, and for any type of commercial advertising relating to public information on probate affairs that are of interest to the general public.

Section 2. At the end of the first fiscal year after the enactment of this act, the chairman of the county commission, the state representative, the state senator, and the judge of probate shall review the expenditure of such special recording fees and if a surplus exists such amount shall be deposited into the county general fund.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective October 1, 1981.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-585

H. 1001—Rep. Reed

AN ACT

Relating to Macon County; to provide for an additional expense allowance for the Board of Registrars of said county; and to repeal Act No. 421, H. 1008, 1965 Regular Session (Acts 1965, p. 623).

Be It Enacted by the Legislature of Alabama:

Section 1. In Macon County, in addition to any and all other compensation, salary and expense allowances provided for by law, there shall be paid to each member of the board of registrars an expense allowance in the amount of twenty dollars (\$20.00) per day at the discretion of the County Commission.

Section 2. The amount paid under the provisions of this Act shall be paid out of the county general fund and shall be paid only when the members actually attend meetings.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed, and specifically Act No. 421, H. 1008, 1965 Regular Session (Acts 1965, p. 623), is repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-586

H. 1002—Rep. Reed

AN ACT

Relating to Macon County; amending further Act No. 102, H. 237, Regular Session 1935 (Local Acts 1935, p. 38), which relates to the selection of the superintendent of education and prescribes his duties, qualifications, compensation and term of office, so as to provide further for his compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 102, H. 237, Regular Session 1935 (Local Acts 1935, p. 38), which relates to the selection of the superintendent of education and prescribes his duties, qualifications, compensation and term of office, is hereby further amended to read as follows:

“Section 4. Such county superintendent of education shall devote his entire time to the public schools of Macon County and shall be paid a salary of up to \$35,000 annually. He shall be paid at the time and in the manner provided by general laws of the state for payment of the salaries of county superintendents of education.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-587

H. 1003—Rep. Reed

AN ACT

To amend Act No. 80-512, 1980 Regular Session, relating to a work release program for Macon County, so as to alter the composition of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 80-512, 1980 Regular Session, is hereby amended to read as follows:

“Section 2. Certain terms, as used in this Act, shall have the following meaning:

“(1) ‘Board’ shall mean County Rehabilitation Board composed of the probate judge, the district attorney, the sheriff, the circuit judge, the superintendent of education, the head of the ministerial conference, the juvenile probation officer, the probation officer, the chairman of the Macon County commission, the mayors of all towns and cities within Macon County, president of each public school Parent-Teacher Association, president of the county civic association, a representative of the Southern Christian Leadership Conference, and a representative of the National Association for the Advancement of Colored People. Also, a social worker and a physician, preferably a psychologist or a psychiatrist, shall be appointed by the legislative delegation. Also, four residents of Macon County: One adult male, one adult female, and one minor male and one minor female shall be named by the legislative delegation representing Macon County. The senator, or the representative or representatives of Macon County shall individually or jointly convene persons named in said Act and shall preside over the meetings. Said four Macon County residents’ term of office as members of the board shall end when the term of office of the appointing authority ends. Any vacancy in the positions filled by the four residents shall be filled by the appointing authority.

“(2) ‘Inmate’ shall mean a prisoner either male or female, convicted of a crime and sentenced to a term of confinement in the county jail.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-588

H. 1007—Rep. Reed

AN ACT

Relating to Macon County; regulating further certain costs and charges of the probate court and certain other fees of the probate judge.

Be It Enacted by the Legislature of Alabama:

Section 1. In Macon County the judge of probate shall, in lieu of the fees prescribed by the general law for the following services, charge and collect for such services the following fees:

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| (1) Probate of will of not more than five pages, whether contested or not, with three copies of letters and including partial or final settlement when not more than ten pages. (An additional charge of \$1.50 per page for will over five pages in length and for partial or final settlements in excess of 10 pages in length shall be made.) | \$50.00 |
| (2) Grant of letters of administration with three certified copies of letters of administration | \$30.00 |
| (3) Final settlement of administration of an estate when not more than 10 pages (when over 10 pages an additional charge of \$1.50 per page) | \$30.00 |
| (4) Partial or final settlement of guardianship | \$30.00 |
| (5) Each additional certified copy of letters testamentary, letters of administration or letters of guardianship | \$ 2.00 |
| (6) Proceedings in filing and granting petition of adoption including one certified copy of decree for petitioner, one certified copy for the department of pensions and security and one copy to the state bureau of vital statistics. (Fee shall apply to each child adopted.) | \$30.00 |
| (7) Proceedings in legitimations, fee to apply to each child | \$30.00 |
| (8) Proceedings in change of name | \$15.00 |
| (9) Each certified copy of a marriage certificate | \$ 2.00 |
| (10) Proceedings appointing notary public and recording | \$10.00 |
| (11) Recording the change of ownership of an automobile or other motor vehicle as provided in Section 40-10-260, Code | \$ 3.00 |
| (12) Each document processed relative to a certificate of title of a motor vehicle for which a fee for the state is charged, the judge of probate shall add to such state fee and retain as his commission the sum of | \$ 1.00 |

Section 2. When an application for a replacement for a motor vehicle tag, plate or validation stamp that has been lost, mutilated

or destroyed is filed with the judge of probate he shall collect \$4.00 and he shall forward \$1.00 thereof to the state department of revenue for the replacement tag or validation stamp, and the judge of probate shall retain \$3.00 for his services.

Section 3. Except as provided in Sections 1 and 2 hereof the judge of probate of Macon County shall continue to charge and collect the fees for services which he renders that are prescribed by general or local law.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective October 1, 1981.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-589

H. 1008—Rep. Smith (C)

AN ACT

To alter, re-arrange and extend the boundaries and corporate limits of the CITY OF MONTEVALLO, ALABAMA, so as to incorporate certain territory as described herein.

Be It Enacted by the Legislature of Alabama:

Section 1. To alter, re-arrange and extend the boundaries and corporate limits of the CITY OF MONTEVALLO, ALABAMA, so as to incorporate certain territory as described herein.

Begin at a point in Section 3, Township 24 North, Range 12 East, Shelby County, Alabama, where the Eastern limit of the City of Montevallo, as existing on January 1, 1981, intersects the South right-of-way line of Alabama State Highway No. 25; thence run Easterly along said South right-of-way line to the Northwest corner of the parcel of land described in deed recorded in Deed Book 319, Page 208, in the Probate Office of Shelby County, Alabama; thence run South 43 deg. 00 min. East 267.0 feet; thence run South 52 deg. 48 min. East 277.8 feet; thence run South 33 deg. 03 min. East 210.0 feet; thence run South 3 deg. 33 min. East 977.2 feet; thence run South 72 deg.

03 min. East 371.3 feet; thence run South 33 deg. 00 min. East 549.5 feet; thence run South 4 deg. 03 min. East 480.16 feet, more or less, to the South line of the SW $\frac{1}{4}$ of Section 2, Township 24 North, Range 12 East; thence run East along the South line of said quarter Section 263.7 feet, more or less, to the East right-of-way line of Lucas Road; thence run Northerly along said East right-of-way line to the Southwest right-of-way line of Alabama State Highway No. 155; thence run Southeasterly along said Southwest right-of-way line to the West line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 2; thence run South along said West line 310.90 feet to the Southwest corner of said $\frac{1}{4}$ - $\frac{1}{4}$ Section; thence run East along the South line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section 466.02 feet, more or less, to the Southwest right-of-way line of Alabama State Highway No. 155; thence run Southeasterly along said right-of-way line 913.55 feet, more or less, to a point 150 feet Northwest of the point of intersection of said Southwest right-of-way line and the West right-of-way line of Wallace Lane (also known as Shelby County Highway No. 200), in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 11, Township 24 North, Range 12 East; thence run South 2 deg. 04 min. West a distance of 392.22 feet; thence run North 87 deg. 56 min. West 85.64 feet; thence run South 02 deg. 04 min. West 210 feet; thence run North 87 deg. 56 min. West 372.17 feet, more or less, to the West line of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 11; thence run South along said West line a distance of 256.59 feet, more or less, to the Southwest corner of the E $\frac{1}{2}$ of said $\frac{1}{4}$ - $\frac{1}{4}$ Section; thence run East along the South line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section to the West line of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 11; thence run South along said West line to the North line of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 11; thence run West along said North line to the Northeast corner of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 11; thence run West along the North line of the S $\frac{1}{2}$ of said $\frac{1}{4}$ - $\frac{1}{4}$ Section to the East right-of-way line of Lucas Road; thence run South along said East right-of-way line to the South line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section; thence run East along said South line to the Southwest corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 11; thence run East along the South line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section to the West margin of Wallace Lake; thence Southerly and Southeasterly along the margin of Wallace Lake to the Southeast right-of-way line of Wallace Lane (also known as Shelby County Highway No. 200); thence run Northerly along said right-of-way line to the Southwest corner of the parcel of land described in deed recorded in Deed Book 302, Page 106, in the Probate Office of Shelby County, Alabama; thence run Easterly along the South boundary line of said parcel 334.02 feet to the Southwest corner of the parcel of land described in deed recorded in Deed Book 227, Page 32, in the Probate Office of Shelby County, Alabama; thence run Easterly along the South boundary line of said parcel 351.2 feet to the West line of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section

11; thence run South along said West line to the South line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section; thence continue South along the West line of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 11, to the Southwest corner of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ Section; thence run East along the South line of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ Section to the Southeast corner of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ Section and the West line of Fraction "B" of Section 12, Township 24 North, Range 12 East; thence continue East along last described course to the East right-of-way line of Shelby County Highway No. 18; thence run Northerly along said East right-of-way line to the point of intersection of said right-of-way line with the projection of the East right-of-way line of Shelby County Highway No. 19, located in Section 7, Township 24 North, Range 12 East; thence run North along the projection of said East right-of-way line of Shelby County Highway No. 19 to the East right-of-way line of Shelby County Highway No. 19; thence run North along said East right-of-way to the Southwest corner of the parcel of land described in deed recorded in Deed Book 321, Page 600, in the Probate Office of Shelby County, Alabama; thence run East along the South line of said parcel 210 feet; thence run in a Northwesterly direction, parallel to the East right-of-way line of Shelby County Highway No. 19, 700 feet; thence run West 280 feet, more or less, to the West right-of-way line of said Highway No. 19; thence run Southerly along said West right-of-way line to a point which is 1223.18 feet, more or less South 3 deg. 50 min. 38 sec. East of the Northeast corner of Fractional Section 12, Township 24 North, Range 12 East being the Northeast corner of the parcel of land conveyed in deed recorded in Deed Book 296, at Page 417, in the Probate Office of Shelby County, Alabama; thence turn right 112 deg. 34 min. 13 sec. and run Westerly along the North line of said parcel 497.44 feet to a point in the S $\frac{1}{2}$ of Fraction "A", of said Section 12; thence run Northerly, parallel to the West line of said Section 12 to the North line of the S $\frac{1}{2}$ of Fraction "A" of said Section 12; thence run West along said North line to a point 503 feet East of the West line of said Section 12, said point being the Southeast corner of the parcel conveyed in deed recorded in Deed Book 265, at Page 267, in the Probate Office of Shelby County, Alabama; thence run North along the East line of said parcel and extension thereof parallel to the West line of said Section 12 to the North line of said Section 12; thence run Westerly along said North line to the Northeast corner of Section 11, Township 24 North, Range 12 East; thence run West 202 feet, more or less, along the North line of said Section 11, to the West right-of-way line of Caton Drive; thence run South 7 deg. West along said West right-of-way line 308 feet, more or less, to the North right-of-way line of an unnamed road; thence run North 87 deg. West 438 feet, more or less, to the West line of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 11; thence run South along said West line to a point 70 feet North of the Southwest corner of said $\frac{1}{4}$ - $\frac{1}{4}$ - $\frac{1}{4}$ Section; thence turn right an

angle of 68 deg. 19 min. and run Southwesterly to the North line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 11; thence run West along said North line to the East right-of-way line of an unnamed road; thence run North along said East right-of-way line and parallel to the East line of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 11, to the North line of said Section 11; thence run West along said North line to the Southeast corner of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 2, Township 24 North, Range 12 East; thence run North along the East line of the W $\frac{1}{2}$ of said quarter section 1306.0 feet; thence turn 86 deg. 10 min. left and run 527.02 feet, more or less, to the Southeast corner of Lot 10 of Murray Hill Subdivision, Sector One recorded on Map Book 5, Page 92 in the Probate Office of Shelby County, Alabama; thence run North along the East line of said Lot 10 a distance of 122.40 feet to the Northeast corner of said Lot 10; thence run West along the North line of said Lot 10 to the East right-of-way line of Murray Drive; thence run North along said East right-of-way line 419.33 feet to the Southwest corner of Lot 12 of Murray Hill Subdivision, Sector One; thence run East along the South line of said Lot 12 a distance of 207.93 feet to the Southeast corner of said Lot 12; thence run South 317.05 feet, more or less, along the East line of Lot 11 of Murray Hill Subdivision, Sector One to the Southwest corner of the parcel described in deed recorded in Deed Book 318, at Page 732, in the Probate Office of Shelby County, Alabama; thence run East along the South line of said parcel, parallel to the South right-of-way line of Alabama State Highway No. 25 a distance of 200 feet to the Southeast corner of said parcel; thence run North along the East line of said parcel and extension thereof, parallel to the East lines of Lots 11, 12 and 13 of Murray Hill Subdivision, Sector One, 798.1 feet, more or less, to the South right-of-way line of Alabama State Highway No. 25; thence East along said South right-of-way line to the East line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 2; thence continue East along said South right-of-way line 380 feet; thence run North 2 deg. West to the North line of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 2; thence run West along the North line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section to the Northwest corner of said $\frac{1}{4}$ - $\frac{1}{4}$ Section; thence run North along the East line of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 2 to the North line of said Section 2; thence run West along the North line of said Section 2 to the Northeast corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 2; thence continue West along the North line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section 687.36 feet; thence run South, parallel with the East line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section to the North line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 2, being the Northwest corner of the parcel of land described in deed recorded in Deed Book 257, Page 406, in the Probate Office of Shelby County, Alabama; thence run South along the West line of said parcel 137.04 feet; thence turn an angle of 81 deg. 54 min. 30 sec. to the left and run 91 feet, more or less,

to a point on the North right-of-way line of an unnamed road; thence Southerly to the Northwest corner of the parcel of land conveyed in deed recorded in Deed Book 260, at Page 619, in the Probate Office of Shelby County, Alabama; thence run South along the West line of said parcel 210.0 feet; thence turn an angle of 78 deg. 51 min. to the left and run 208.0 feet; thence run South and parallel to the West right-of-way line of Shady Hill Drive to the North right-of-way line of Alabama State Highway No. 25; thence run West along said North right-of-way line to the Southeast corner of the parcel of land described in deed recorded in Deed Book 305, at Page 459, in the Probate Office of Shelby County, Alabama, said point being on the North right-of-way line of Alabama State Highway No. 25, 420 feet East of the West line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 2; thence run Northerly, parallel to the East right-of-way line of Holloway Drive, 577 feet; thence run West, parallel to the North right-of-way line of Alabama State Highway No. 25 to the West right-of-way line of Holloway Drive; thence Southerly along said West right-of-way line to a point 210 feet North of the North right-of-way line of Alabama State Highway No. 25; thence run West, parallel to the North line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 2, to the East line of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 2; thence run North along said East line to the North line of said Section 2; thence run West along the North line of said Section 2 to the Northwest corner of said Section 2; thence run South along the West line of said Section 2 to the North line of the parcel of land described in deed recorded in Deed Book 250, Page 520, in the Probate Office of Shelby County, Alabama; thence run South 54 deg. West 596 feet, more or less, along the Northwest line of said parcel to the East right-of-way line of Shelby County Highway No. 216, said point being in the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 3, Township 24 North, Range 12 East; thence run Northerly along said East right-of-way line to the Eastern limit of the City of Montevallo, as existing on January 1, 1981; thence run Southwesterly along said Eastern boundary line to the point of beginning. All in Shelby County, Alabama.

Section 2. The substantive provisions of this Act shall become operative only if the Act is approved by the qualified electors who reside within that part of the territory hereinabove described which is not presently included within the corporate limits of the City of Montevallo, voting in a referendum election to be held on a day designated by the Probate Judge of Shelby County, not less than twenty nor more than forty days from the date of this enactment. The notice of the election shall be given by the Probate Judge of Shelby County, and the results thereof canvassed in the manner prescribed by Title 11, Chapter 42, Article 3, Code of Alabama, 1975, for giving notice of and conducting elections on the question of annexing territory to cities of twenty-five thousand or more inhabitants insofar as such

provisions of said article may be appropriate; provided, however, no municipal resolution of the municipal governing body need be made or filed with the Probate Judge, no need a plat or map of the territory to be annexed be filed with the Probate Judge. The question shall be on the adoption of Act No. _____ of the 1981 Regular Session of the Legislature, which alters, rearranges and extends the corporate limits of the City of Montevallo, in Shelby County, Alabama. Each voter may furnish his own ballot, and if he desires to vote for the adoption of said Act there shall be written or printed on such ballot the word "Yes". If he desires to vote against the adoption of such Act the word "No" shall be written or printed on his ballot. The city of Montevallo shall pay all costs and expenses incident to the election.

If a majority of the votes cast in the election are "Yes", the provisions of this Act shall become operative immediately. If the Majority are "No", this Act shall have no further effect.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Section 4. This act shall take effect upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-590

H. 1025—Rep. Letson

AN ACT

Relating to Lawrence County; to provide further for the compensation of the county superintendent of education, effective July 1, 1981 upon the expiration of the present term of office.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective July 1, 1981 upon the expiration of the present term of office, the superintendent of education of Lawrence County shall receive an annual salary of \$28,000, which shall constitute the total compensation of such officer, in lieu of any other salary, allowance or other compensation heretofore provided by law. The compensation shall be payable in equal monthly installments from the Board of Education.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration

shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act shall become effective on July 1, 1981.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-591

H. 1026—Rep. Letson

AN ACT

Relating to Lawrence County; to provide the tax assessor and tax collector an expense allowance which will be in effect from October 1, 1981 until the expiration of their present terms of office; and to provide for additional compensation for such officers effective upon the expiration of the present terms of office.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective October 1, 1981 the tax assessor and tax collector of Lawrence County shall each receive an additional expense allowance of \$2,500 per year, payable in equal monthly installments from the county treasury. The expense allowances herein provided shall terminate upon the expiration of the present terms of office of tax assessor and tax collector.

Section 2. Effective upon the termination of the present terms of office of the tax assessor and tax collector of Lawrence County, said officers shall each receive an additional annual compensation of \$2,500, payable in equal monthly installments from the county treasury.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this act shall become effective October 1, 1981.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-592

H. 1028—Rep. Letson

AN ACT

Relating to Lawrence County; to provide for the distribution of Lawrence County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the authority granted by Sections 40-28-1 through 40-28-3, Code of Alabama 1975, Lawrence County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes shall be distributed as provided by this Act:

A. (1) For the 1981-82 fiscal year, the county board of education shall receive 20% of the amount remaining after an amount which is equal to the amount which was paid to the county in alcoholic beverage tax proceeds for the last year said proceeds were paid to the county is subtracted from the amount the county received in Tennessee Valley Authority payments in lieu of taxes after the money paid to the municipalities according to Section 40-28-3, Code of Alabama 1975, is deducted from said Tennessee Valley Authority money.

(2) For the 1982-83 fiscal year the percentage paid to the county board of education as computed by the formula in subsection 1 shall be 25%.

(3) For the 1983-84 fiscal year the percentage paid to the county board of education as computed by the formula in subsection 1 shall be 33%. The money paid to the county board of education shall be used for the operation of public schools in Lawrence County.

B. Annually, 35% of the money received by the county in Tennessee Valley Authority payments in lieu of taxes, after the money paid to the municipalities according to Section 40-28-3, Code of Alabama 1975, is deducted, shall be paid into the county gasoline tax fund.

Section 2. All moneys paid to Lawrence County as their share of Tennessee Valley Authority payments in lieu of taxes which are not paid to the municipalities as provided by Section 40-28-3, Code of Alabama 1975, or distributed as provided in Section 1 of this Act, shall be paid into the Lawrence County general fund.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 19, 1981 without approval by the Governor.

Act No. 81-593

H. 1038—Rep. Venable

AN ACT

To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Elmore County and to provide for the use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. On and after the date this act becomes applicable to Elmore County, a special recording fee of \$1.00 shall be paid to the county, and collected by its judge of probate, with respect to each real property instrument and each personal property instrument that may be filed for record in the office of said judge of probate and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county, and, on and after such date, no such instrument shall be received for record in the office of said judge of probate unless the said special recording fee of \$1.00 is paid thereon. Said special recording fee shall be in addition to all other fees, taxes and other charges required by law to be paid upon the filing for record of any real property instrument or personal property instrument, and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county. All special recording fees so collected shall be deposited into the county treasury to the credit of the probate office to be expended by the judge of probate at his discretion for the improvement of the equipment and operations of the office of the judge of probate and to supplement the salaries of the employees of the judge of probate and to pay the cost of commercial advertising relating to public information on probate affairs of interest to the general public.

Section 2. At the end of the first fiscal year after the enactment of this act the chairman of the county commission, the state senator, and the judge of probate shall review the expenditure of such special recording fees and if a surplus exists such amount shall be deposited into the county general fund.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise be-

coming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-594

H.J.R. 356—Reps. Sandusky, McCorquodale, Harper (T), Clark (W), Kennedy, Stewart, Parker, Turner, Bedsole, Buskey, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt.

HOUSE JOINT RESOLUTION

COMMENDING AND CONGRATULATING REPRESENTATIVE MARY S. ZOGHBY, RECIPIENT OF THE NATIONAL TRUST HONOR AWARD FOR HISTORIC PRESERVATION.

WHEREAS, the Alabama Legislature notes with extreme pride that our own Representative Mary S. Zoghby received the Certificate of Commendation Honor Award from The National Trust for Historic Preservation in the United States at its 35th Annual Membership Meeting, Washington, D.C., on May 5, 1981; and

WHEREAS, the National Trust Awards are conferred in recognition of an individual's invaluable service to their communities and to the nation as catalysts for historic restoration and preservation in their neighborhoods, cities and throughout the nation; and

WHEREAS, the jury of the National Trust Awards presented the distinctive high honor to only twenty individuals throughout the entire nation; and

WHEREAS, Representative Mary S. Zoghby has brought great honor not only to herself but indeed to this entire body for her tireless efforts in behalf of historic preservation and interests in our State; and

WHEREAS, the Representative from District 102, Mobile, Alabama, spent long hours engaged in formulating, sponsoring and insuring the passage of Act No. 79-441, H. 203, of the 1979 Regular Session, the Alabama Historical Preservation Authorities Act of 1979, which assures the acceleration of preservation throughout our State through the formation of preservation authorities; and

WHEREAS, The Honorable Mary S. Zoghby was honored by the National Trust for Historic Preservation for her work in the significant and visionary provisions contained in the Historical Preservation Authorities Act of 1979 and its revision in 1980; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do highly commend our colleague and friend, The Honorable Mary S. Zoghby, for her dedicated work and invaluable endeavors in historical restoration and preservation in our great State, and we do heartily congratulate her on receiving this outstanding honor from the National Trust for Historic Preservation in the United States for her significant and invaluable service in historical preservation in our State.

RESOLVED FURTHER, That we do present this resolution as our expression of great admiration, esteem and affection for our colleague and friend, Representative Mary S. Zoghby.

Approved May 17, 1981

Time: 2:00 P.M.

HOUSE JOINT RESOLUTION

URGING ALL ALABAMIANS TO RECOGNIZE OUR VIET NAM VETERANS DURING THE WEEK OF MAY 25-31, 1981.

WHEREAS, our nation owes a special debt of gratitude to Viet Nam veterans, whose dedication, unselfish courage and special sacrifice on behalf of our country and national defense have never been properly or fully recognized; and

WHEREAS, no fitting observance, commemoration or special outpouring of affection has been shown toward the nearly three million sons and daughters of our country who selflessly and unhesitatingly served to defend it; and

WHEREAS, the occasion of Memorial Day not only presents a time to remember valiant Americans of all wars who gave their lives in defense of our country, but also an opportunity to demonstrate grateful appreciation by the citizens of this great state and all who join us in recognizing an unheralded group of Americans to whom our nation is indebted; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we encourage business, church, civic and media organizations of the State of Alabama to unite and use every available opportunity, forum and agenda to recognize Viet Nam-era veterans during the week of May 25-31, 1981, in the following suggested ways, as appropriate to their circumstances:

Encourage all citizens to fly the American Flag at homes and businesses during the observance;

Encourage the American Flag to be flown at half staff by all citizens, businesses and organizations in the State of Alabama on Memorial Day, May 25, in honor of those of our sons and daughters who made the ultimate sacrifice;

Encourage religious congregations to recognize the contributions of our gallant Americans, especially veterans in their membership, as part of their spiritual worship and fellowship during the observance.

Encourage businesses to consider any appropriate expression which recognize the special contributions of veterans and the plight some veterans face in securing jobs and skill training; and

Encourage the media to publicize the patriotism and willingness of veterans to defend our nation's democratic principles, and their contributions to the social, civic and economic fabric of our state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to The Honorable Fob James, Governor of the State of Alabama.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-596

H. 542—Reps. Turner, Harper (T), Parker, Minus, Zoghby, Ward, McMillan, Sandusky, Bowling, Boles, Biddle, Trammell, Langford, Stewart, Howard, Waggoner, Willis, Blake, Harper (O), Rains, Grimsley, Edwards, Mitchell, Olive, Moore, Cabaniss, Gilmer, Greer, Albright, Hall, Ford, Harvey, Riddick, Horn, Escott, Roberts, Letson, Brakefield, Johnson (Roy), Cooley, Dial, Bennett, Gafford, Smith (C), Smith (M), Gregg, Coburn, Goodwin, Kelley, Crow, Carothers, Whatley, Sasser, Williams, Laird, Warren, Clark (W), Bedsole, Dixon, Daniels, Penry, Hines, Venable, Kennedy, Buskey, Naramore, Holley, Shoemaker, Adams (H), Drinkard

AN ACT

Relating to sales and use taxes; amending Sections 40-23-1 and 40-23-4, Code of Alabama 1975, so as to further define the term "wholesale sale or sale at wholesale" as it relates to certain tangible personal property or products and to exempt the gross receipts on the sale of wood residue.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-23-1 and 40-23-4, Code of Alabama 1975, are hereby amended to read as follows:

"§ 40-23-1.

"(a) For the purpose of this division, the following terms shall have the respective meanings ascribed by this section:

"(1) PERSON OR COMPANY. Used interchangeably, in-

cludes any individual, firm, copartnership, association, corporation, receiver, trustee or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

“(2) DEPARTMENT. The department of revenue of the state of Alabama.

“(3) COMMISSIONER. The commissioner of revenue of the state of Alabama.

“(4) TAX YEAR or TAXABLE YEAR. The calendar year.

“(5) SALE or SALES. Installment and credit sales and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale.

“(6) GROSS PROCEEDS OF SALES. The value proceeding or accruing from the sale of tangible personal property, and including the proceeds from the sale of any property handled on consignment by the taxpayer, including merchandise of any kind and character without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid or any other expenses whatsoever, and without any deductions on account of losses; provided, that cash discounts allowed and taken on sales shall not be included, and ‘gross proceeds of sales’ shall not include the sale price of property returned by customers when the full sales price thereof is refunded either in cash or by credit. Said term ‘gross proceeds of sale’ shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with said business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.

“(7) TAXPAYER. Any person liable for taxes hereunder.

“(8) GROSS RECEIPTS. The value proceeding or accruing from the sale of tangible personal property, including merchandise

and commodities of any kind and character, all receipts actual and accrued, by reason of any business engaged in, not including, however, interest, discounts, rentals of real estate or royalties, and without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid or any other expenses whatsoever and without any deductions on account of losses. Said term "gross receipts" shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with said business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.

"(9) WHOLESALE SALE or SALE AT WHOLESALE. Any one of the following:

"a. A sale of tangible personal property by wholesalers to licensed retail merchants, jobbers, dealers or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale;

"b. A sale of tangible personal property or products, including iron ore, to a manufacturer or compounder which enter into and become an ingredient or component part of the tangible personal property or products which such manufacturer or compounder manufactures or compounds for sale, whether or not any such tangible personal property or product used in manufacturing or compounding a finished product is used with the intent that it became a component of the finished product, provided however that it is the intent of this section that no capital equipment, machinery, tools, nor product, except for those materials essential for the reaction process and in direct contact with the intermediate and finished product used for the production of the finished product shall be exempt and the furnished container and label thereof;

"c. A sale of containers intended for one-time use only, and the labels thereof, when such containers are sold without contents to

persons who sell or furnish such containers along with the contents placed therein for sale by such person;

“d. A sale of pallets intended for one-time use only when such pallets are sold without contents to persons who sell or furnish such pallets along with the contents placed thereon for sale by such persons;

“e. A sale to a manufacturer or compounder, of crowns, caps and tops intended for one-time use employed and used upon the containers in which such manufacturer or compounder markets his products;

“f. A sale of containers to persons engaged in selling or otherwise supplying or furnishing baby chicks to growers thereof where such containers are used for the delivery of such chicks or a sale of containers for use in the delivery of eggs by the producer thereof to the distributor or packer of such eggs even though such containers used for delivery of baby chicks or eggs may be recovered for reuse;

“g. A sale of bagging and ties used in preparing cotton for market;

“h. A sale to meat packers, manufacturers, compounders or processors of meat products of all casings used in molding or forming weiners and Vienna sausages even though such casings may be recovered for reuse;

“i. A sale of commercial fish feed including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feed for fish raised to be sold on a commercial basis;

“j. A sale of tangible personal property to any person engaging in the business of leasing or renting such tangible personal property to others, if such tangible personal property is purchased for the purpose of leasing or renting it to others under a transaction subject to the privilege or license tax levied in article 4 of chapter 12 of this title against any person engaging in the business of leasing or renting tangible personal property to others;

“k. A purchase or withdrawal of parts or materials from stock by any person licensed under this division where such parts or materials are used in repairing or reconditioning the tangible personal property of such licensed person, which tangible personal property is a part of the stock of goods of such licensed person, offered for sale by him and not for use or consumption of such licensed person.

“(10) SALE AT RETAIL or RETAIL SALE. All sales of tangible personal property except those above defined as wholesale

sales. The quantities of goods sold or prices at which sold are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of building materials, fixtures or other equipment to a manufacturer or builder of modular buildings for use in manufacturing, building or equipping a modular building ultimately becoming a part of real estate situated in the state of Alabama are retail sales, and the use, sale or resale of such building shall not be subject to the tax. Sales of tangible personal property to undertakers and morticians are retail sales and subject to the tax at the time of purchase, but are not subject to the tax on resale to the consumer. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales. The term 'sale at retail' or 'retail sale' shall also mean and include the withdrawal, use or consumption of any tangible personal property by anyone who purchases same at wholesale, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same; and such wholesale purchaser shall report and pay the taxes thereon.

“(11) BUSINESS. All activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which subactivities shall be considered business engaged in, taxable in the class in which it falls.

“(12) AUTOMOTIVE VEHICLE. A power shovel, dragline, crawler, crawler crane, ditcher or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.

“(b) The use within this state of tangible personal property by the manufacturer thereof, as building materials in the performance of a construction contract, shall, for the purposes of this division, be considered as a retail sale thereof by such manufacturer, who shall also be construed as the ultimate consumer of such materials or property, and who shall be required to report such transaction and pay

the sales tax thereon, based upon the reasonable and fair market price thereof at the time and place where same are used or consumed by him or it. Where the contractor is the manufacturer or compounder of ready-mix concrete or asphalt plant mix used in the performance of a contract, whether the ready-mix concrete or asphalt plant mix is manufactured or compounded at the job site or at a fixed or permanent plant location, the tax applies only to the cost of the ingredients that become a component part of the ready-mix concrete or the asphalt plant mix. The provisions of this subsection shall not apply to any tangible personal property which is specifically exempted from the tax levied in this division.

“(c) The sale of lumber by a lumber manufacturer to a trucker for resale is a sale at wholesale as such sales are defined herein where the trucker is either a licensed dealer in lumber or, if a resident of Alabama, has registered with the department of revenue and has received therefrom a certificate of such registration or, if a nonresident of this state purchasing lumber for resale outside of Alabama, has furnished to the lumber manufacturer his name, address and the vehicle license number of the truck in which the lumber is to be transported, which name, address and vehicle license number shall be shown on the sales invoice rendered by the lumber manufacturer. The certificate provided for herein shall be valid for the calendar year of its issuance and may be renewed from year to year on application to the department of revenue on or before January 31 of each succeeding year; provided, that if not renewed the certificate shall become invalid for the purpose of this division on February 1.”

“§ 40-23-4.

“(a) There are exempted from the provisions of this division and from the computation of the amount of the tax levied, assessed or payable under this division the following:

“(1) The gross proceeds of the sales of lubricating oil and gasoline as defined in sections 40-17-30 and 40-17-170 and the gross proceeds from those sales of lubricating oil destined for out-of-state use which are transacted in a manner whereby an out-of-state purchaser takes delivery of such oil at a distributor's plant within this state and transports it out-of-state, which are otherwise taxed.

“(2) The gross proceeds of the sale, or sales, of fertilizer. The word ‘fertilizer’ shall not be construed to include cottonseed meal, when not in combination with other materials.

“(3) The gross proceeds of the sale, or sales, of seeds for planting purposes and baby chicks and poults. Nothing herein shall be construed to exempt or exclude from the computation of the tax levied,

assessed or payable, the gross proceeds of the sale or sales of plants, seedlings, nursery stock or floral products.

“(4) The gross proceeds of sales of insecticides and fungicides and feed for livestock and poultry, but not including prepared food for dogs and cats.

“(5) The gross proceeds of sales of all livestock by whomsoever sold, and also the gross proceeds of poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm.

“(6) Cottonseed meal exchanged for cottonseed at or by cotton gins.

“(7) The gross receipts from the business on which, or for engaging in which, a license or privilege tax is levied by or under the provisions of sections 40-21-50, 40-21-53 and 40-21-56 through 40-21-60; provided, that nothing contained in this subdivision shall be construed to exempt or relieve the person or persons operating the business enumerated in said sections from the payments of the tax levied by this division upon or measured by the gross proceeds of sales of any tangible personal property, except gas and water, the gross receipts from the sale of which are the measure of the tax levied by said section 40-21-50, merchandise or other tangible commodities sold at retail by said persons, unless the gross proceeds of sale thereof are otherwise specifically exempted by the provisions of this division.

“(8) The gross proceeds of sales or gross receipts of or by any person, firm or corporation, from the sale of transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies.

“(9) The gross proceeds of the sale, or sales of wood residue, coal or coke to manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products, or the generation of heat or power used in manufacturing tangible personal property for sale, for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for resale, or for the generation of motive power for transportation.

“(10) The gross proceeds from the sale or sales of fuel and supplies for use or consumption aboard ships and towing vessels plying the high seas or gulf intracoastal waterway either in intercoastal trade between ports in the state of Alabama and ports in other states of the United States or its possessions or in foreign commerce between ports in the state of Alabama and ports in foreign countries; provided, that nothing in this division shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercraft of 50 tons burden or less.

“(11) The gross proceeds of sales of tangible personal property to the state of Alabama, to the counties within the state and to incorporated municipalities of the state of Alabama.

“(12) The gross proceeds of the sale or sales of railroad cars, and vessels and barges of more than 50 tons burden, when sold by the manufacturers or builders thereof.

“(13) The gross proceeds of the sale or sales of materials, equipment, and machinery which enter into and become a component part of ships, vessels or barges of more than 50 tons burden, constructed or built within this state.

“(14) The gross proceeds of the sale or sales of fuel oil purchased as fuel for kiln use in manufacturing establishments.

“(15) The gross proceeds of the sale or sales of tangible personal property to county and city school boards, independent school boards and all educational institutions and agencies of the state of Alabama, the counties within the state or any incorporated municipality of the state of Alabama.

“(16) The gross proceeds from the sale of all devices or facilities, and all identifiable components thereof or materials for use therein, acquired primarily for the control, reduction or elimination of air or water pollution and the gross proceeds from the sale of all identifiable components of or materials used or intended for use in structures built primarily for the control, reduction or elimination of air and water pollution.

“(17) The gross proceeds of sales of tangible personal property or the gross receipts of any business which the state is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of this state.

“(18) The gross proceeds of sales amounting to \$1,000.00 a month or less from small stores or vending stands operated by blind

persons, as defined in section 1-1-3; provided, that such small business establishment shall be the property of the blind operator or of the business enterprise program for the blind, sponsored jointly by the state department of education and the Alabama institute for the deaf and blind, that the operator shall have filed application for exemption as required in this subdivision and that the blind operator shall have been for a period of two years next preceding the filing of his application for this exemption a bona fide resident of the state of Alabama.

“Any persons claiming exemption hereunder shall file with the commissioner of revenue an application therefor in the form prescribed by the commissioner of revenue, accompanied by a vision certificate from a regularly licensed physician or ophthalmologist.

“Any person who procures a license under the provisions of this subdivision and permits any other person, firm or corporation to engage in or conduct business under this license shall be guilty of a misdemeanor and shall be punished as provided by law; and any person, firm or corporation, not entitled to exemption hereunder, who engages in or conducts business under a license issued to a blind person under the provisions of this subdivision shall be guilty of a misdemeanor and shall be punished as provided by law.

“(19) When dealers or distributors use parts taken from stocks owned by them in making repairs without charge for such parts to the owner of the property repaired pursuant to warranty agreements entered into by manufacturers, such use shall not constitute taxable sales to the manufacturers, distributors or to the dealers, under this division or under any county sales tax law.

“(20) The gross proceeds received from the sale or furnishing of food, including potato chips, candy, fruit and similar items, soft drinks, tobacco products and stationery and other similar or related articles by hospital canteens operated by Alabama state hospitals at Bryce Hospital and Partlow State School for Mental Deficients at Tuscaloosa, Alabama, and Searcy Hospital at Mt. Vernon, Alabama, for the benefit of the patients therein.

“(21) The gross proceeds of the sale, or sales, of wrapping paper and other wrapping materials when used in preparing poultry or poultry products for delivery, shipment, or sale by the producer, processor, packer or seller of such poultry or poultry products including pallets used in shipping poultry and egg products, paper or other materials used for lining boxes or other containers in which poultry or poultry products are packed together with any other materials placed in such containers for the delivery, shipment or sale of poultry or poultry products.

“(22) The gross proceeds of the sales of all antibiotics, hormones

and hormone preparations, drugs, medicines or medications, vitamins, minerals or other nutrients and all other feed ingredients including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feeds for fish raised to be sold on a commercial basis, livestock and poultry. Such exemption herein granted shall be in addition to exemption now provided by law for fee for fish raised to be sold on a commercial basis, livestock and poultry, but not including prepared foods for dogs or cats.

“(23) The gross proceeds of the sale, or sales, of seedlings, plants, shoots and slips which are to be used for planting vegetable gardens or truck farms. Nothing herein shall be construed to exempt, or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale, or the use of plants, seedlings, shoots, slips, nursery stock and floral products, except as hereinabove exempted.

“(24) The gross proceeds of the sale, or sales, of fabricated steel tube sections, when produced and fabricated in this state by any person, firm or corporation for any vehicular tunnel for highway vehicular traffic, when sold by the manufacturer or fabricator thereof, and also the gross proceeds of the sale, or sales, of steel which enter into and become a component part of such fabricated steel tube sections of said tunnel.

“(25) The gross proceeds from sales of admissions to any theatrical production, symphonic or other orchestral concert, ballet or opera production when such concert or production is presented by any society, association, guild or workshop group, organized within this state, whose members or some of whose members regularly and actively participate in such concerts or productions for the purposes of providing a creative outlet for the cultural and educational interests of such members, and of promoting such interests for the betterment of the community by presenting such productions to the general public for an admission charge.

“The employment of a paid director or conductor to assist in any such presentation described in this subdivision shall not be construed to prohibit the exemptions herein provided.

“(26) The gross proceeds of sales of herbicides for agricultural uses by whomsoever sold. The term ‘herbicides,’ as used in this subdivision, means any substance or mixture of substances intended to prevent, destroy, repel or retard the growth of weeds or plants. It shall include pre-emergence herbicides, postemergence herbicides, lay-by herbicides, pasture herbicides, defoliant herbicides and desiccant herbicides.

“(27) The Alabama chapter of the cystic fibrosis research foundation, and the Jefferson tuberculosis sanatorium and any of their departments or agencies, heretofore or hereafter organized and existing in good faith in the state of Alabama for purposes other than for pecuniary gain and not for individual profit, shall be exempted from the computation of the tax on the gross proceeds of all sales levied, assessed or payable.

“(28) The gross proceeds from the sale or sales of fuel for use or consumption aboard commercial fishing vessels are hereby exempt from the computation of all sales taxes levied, assessed, or payable under the provisions of this division or levied under any county or municipal sales tax law.

“The words ‘commercial fishing vessels’ shall mean vessels whose masters and owners are regularly and exclusively engaged in fishing as their means of livelihood.

“(29) The gross proceeds of sales of sawdust, wood shavings, wood chips and other like materials sold for use as ‘chicken litter’ by poultry producers and poultry processors.

“(30) The gross proceeds of the sales of all antibiotics, hormones and hormone preparations, drugs, medicines and other medications including serums and vaccines, vitamins, minerals or other nutrients for use in the production and growing of fish, livestock and poultry by whomsoever sold. Such exemption as herein granted shall be in addition to the exemption provided by law for feeds for fish, livestock and poultry, and in addition to the exemptions provided by law for the above enumerated substances and products when mixed and used as ingredients in fish, livestock and poultry feeds.

“(31) The gross proceeds of the sale or sales of all medicines prescribed by physicians for persons who are 65 years of age or older, and when said prescriptions are filled by licensed pharmacists, shall be exempted under this division or under any county or municipal sales tax law. The exemption provided in this section shall not apply to any medicine purchased in any manner other than as is herein provided.

“For the purposes of this subdivision, proof of age may be accomplished by filing with the dispensing pharmacist any one or more of the following documents:

“a. The name and claim number as shown on a ‘Medicare’ card issued by the United States social security administration.

“b. A certificate executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

"c. An affidavit executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

"For the purposes of this subdivision, any person filing a false proof of age shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of \$100.00.

"(32) There shall be exempted from the tax levied by this division the gross receipts of sales of grass sod of all kinds and character when in the original state of production or condition of preparation for sale, when such sales are made by the producer or members of his family or for him by those employed by him to assist in the production thereof; provided, that nothing herein shall be construed to exempt sales of sod by a person engaged in the business of selling plants, seedlings, nursery stock or floral products.

"(33) The gross receipts of sales of the following items or materials which are necessary in the farm to market production of tomatoes when such items or materials are used by the producer or members of his family or for him by those employed by him to assist in the production thereof: twine for tying tomatoes, tomato stakes, field boxes (wooden boxes used to take tomatoes from the fields to shed) and tomato boxes used in shipments to customers.

"(34) The gross proceeds from the sale of liquified petroleum gas sold to be used for agricultural purposes.

"(35) The gross receipts of sales from state nurseries of forest tree seedlings.

"(36) The gross receipts of sales of forest tree seed by the state.

"(37) The gross receipts of sales of Lespedeza bicolor and other species of perennial plant seed and seedlings sold for wildlife and game food production purposes by the state.

"(b) Any violation of any provision of this section shall be punishable in a court of competent jurisdiction by a fine of not less than \$500.00 and no more than \$2,000.00 and imprisonment of not less than six months nor more than one year in the county jail."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 15, 1981

Time: 3:00 P.M.

Act No. 81-597

H. 448—Rep. Owens

AN ACT

To make further appropriations of state funds for the fiscal year ending September 30, 1981.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made from the Marine Resources Fund, there is hereby appropriated from said fund for the fiscal year ending September 30, 1981, for the Department of Conservation and Natural Resources the sum of \$350,000 for construction, repair, and maintenance of capital improvements to public boat landing areas in the salt and brackish waters of Alabama.

Section 2. In addition to all other appropriations heretofore or hereafter made from the General Fund, there is hereby appropriated from said fund for the fiscal year ending September 30, 1981, for the Department of Conservation and Natural Resources, Outdoor Recreation Sites and Services Program (Marine Police Division), the sum of \$200,000 for salaries and other expenses of the Marine Police Division. The appropriation made by this section shall be only expended if the General Fund has sufficient funds available so that other appropriations would not be prorated, and if the Governor gives his approval for release of the funds.

Section 3. In addition to all other appropriations heretofore or hereafter made from the State Lands Fund, there is hereby appropriated from said fund for the fiscal year ending September 30, 1981, for the Department of Conservation and Natural Resources, State Land Management Program the sum of \$125,000 for salaries and other expenses of the State Lands Division.

Section 4. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated for the fiscal year ending September 30, 1981 to the Department of Conservation and Natural Resources from any of its departmental funds such monies as are necessary to maintain, staff and repair the property in Baldwin County, Alabama, known and referred to as the Governor's Beach Mansion.

Section 5. In addition to all other appropriations heretofore or hereafter made from the State Lands Fund, there is hereby appropriated from said fund for the fiscal year ending September 30, 1981, for the State Oil and Gas Board Management and Regulation of Oil and Gas Exploration and Development Program the sum of \$114,500 for salaries and other expenses.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-598

H. 894—Rep. Harvey

AN ACT

Relating to Blount County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. After September 30, 1985, there shall be a county revenue commissioner in Blount County. A commissioner shall be elected at the general election in 1984 and at the general election every six years thereafter, who shall serve for a term of six years beginning on the first day of October next after his election, and until his successor is elected and has qualified.

Section 2. The county revenue commissioner shall do and perform all acts, duties, and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for taxation, the collection of taxes, the keeping of records and the making of reports concerning assessments for and the collection of taxes.

Section 3. Subject to the approval of the county commission, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks, and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

Section 4. Before entering upon the duties of his office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the county commission, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of

the general funds of the county on warrant of the county commission, and shall be a preferred claim against the county.

Section 5. The county shall provide the necessary offices for the county revenue commissioner, and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor or the tax collector of the county are now or hereafter may be by law authorized and directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of his office the county revenue commissioner shall receive an annual salary of \$22,500.00, payable in equal monthly installments out of the general fund of the county.

Section 7. The offices of tax assessor and tax collector of Blount County are hereby abolished effective the first day of October, 1985.

Section 8. It is the purpose of this act to promote the public convenience in Blount County by consolidating the offices of tax assessor and tax collector into one office.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective upon the ratification and adoption of an amendment to the Constitution of Alabama authorizing such an act, provided that a majority of the qualified electors of Blount County voting in such Constitutional amendment election approved the adoption of the amendment. If the vote in Blount County on such amendment is not favorable thereto, then this act shall have no force or effect.

Section 12. If the office of Tax Collector or Tax Assessor should become vacant between the time of ratification of this Act by the electors of Blount County and September 30, 1985, this Act would become effective immediately.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-599

H. 927—Reps. Cooley, Bowling

AN ACT

Relating to Cullman County; to levy and collect additional special county privilege license and excise taxes paralleling the state sales and the use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975 as amended; to amend the rates of tax levied on the categories of automotive vehicles, farm machinery, and manufacturing machines in Act No. 66, Second Special Session 1963 and Act No. 30, Special Session 1975; providing for the collection and enforcement of such taxes by the State Revenue Department; providing for the distribution and use of the proceeds, providing penalties for violations of this Act; and repealing a sales and use tax heretofore levied and collected by the City of Cullman.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words, terms, and phrases where used in this act shall have the following respective meanings except where the context clearly indicates a different meaning:

“County” means Cullman County in the State of Alabama.

“Commissioner” means the Commissioner of Revenue of the state.

“State Department of Revenue” means the Department of Revenue of the state.

“State” means the State of Alabama.

“State Sales Tax Statutes” means Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended, including all other statutes of the state which expressly set forth any exemptions from the computation of the taxes levied in said Division 1 and all other statutes which expressly apply to, or purport to affect, the administration of said Division 1 and the incidence and collection of the taxes imposed therein.

“State Sales Tax” means the tax or taxes imposed by the State Sales Tax Statutes.

“State Use Tax Statutes” means Article 2 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended, including all other statutes of the state which expressly set forth any exemptions from the computation of the tax levied in the said Article 2 and all other statutes of the state which expressly apply to or purport to affect the administration of the said Article 2 and the incidence and collection of the taxes imposed therein.

“State Use Tax” means the tax or taxes imposed by the State Use Tax Statutes.

“Registered Seller” means the person registered with the State Department of Revenue pursuant to the State Use Tax Statutes or licensed under the State Sales Tax Statutes.

“Month” means a calendar month.

“Quarterly Period” means the period of three months ending on the last day of each March, June, September, and December.

“Fiscal Year” means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year.

Except where another meaning is clearly indicated by the context, all definitions set forth in the State Sales Tax Statutes and the State Use Tax Statutes shall be effective as definitions of the words, terms, and phrases used in this act. All words, terms and phrases used herein, other than those hereinabove specifically defined, shall have the respective meanings ascribed to them in the State Sales Tax Statutes and the State Use Tax Statutes and shall have the same scope and effect that the same words, terms and phrases have where used in the State Sales Tax Statutes and the State Use Tax Statutes.

Section 2. Levy of Sales Tax. There is hereby levied in Cullman County, in addition to all other taxes of every kind now imposed by law, and to collect as herein provided, a privilege or license tax on account of the business activities and in the amount to be determined by the application of rates against gross sales or gross receipts, as the case may be, as follows:

(a) Upon every person, firm, or corporation (including the State of Alabama, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions) engaged or continuing within the county in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stock, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, ships and other watercraft of over 50 tons burden) an amount of one percent of the gross proceeds of sales of the business, except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified when his books are kept so as to show separately the gross proceeds of sales of each business,

and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business; and provided further, that where any used part of an automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part, the tax levied herein shall be paid on the net difference, that is, the price of the new or used part sold less the credit for the used part taken in trade, provided, however, that this provision shall not be construed to include tires or batteries;

(b) Upon every person, firm, or corporation engaged or continuing within the county in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a municipal institution or association or a state, county or city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the county, an amount of one percent of the gross receipts of any such business;

(c) Upon every person, firm, or corporation engaged or continuing within the county in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount of one-third of one percent of the gross proceeds of the sale of such machines; provided that the term "machine" as herein used shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used;

(d) Upon every person, firm, or corporation engaged or continuing within the county in the business of selling at retail any automotive vehicle, truck trailer, semitrailer, or house trailer, an amount of one-third of one percent of the gross proceeds of sale of said automotive vehicle, truck trailer, semitrailer or house trailer; provided, however, where a person subject to the tax provided for in this subsec-

tion withdraws from his stock in trade any automotive vehicle or truck, trailer, semitrailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of thirty cents (\$.30) per year or part thereof during which such automotive vehicle, truck trailer, semitrailer, or house trailer shall remain the property of such person; provided, that each such year or part thereof shall be deemed to begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person; and provided further, that where any used automotive vehicle, truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade; and

(e) Upon every person, firm, or corporation engaged or continuing within the county in the business of selling at retail any machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to one-third of one percent of the gross proceeds of the sale thereof. Provided, however, the one-third of one percent rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade; and

(f) Upon every person, firm, or corporation engaged or continuing within the county in the business of selling, through coin-operated

dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, an amount of one percent of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection (f) shall be the gross proceeds of sales of such business.

There are exempted, however, from the provisions of this section and from the computation of the amount of the taxes authorized to be imposed in this section, the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the state sales tax statutes from the computation of the amount of the state sales tax.

Section 3. Levy of Use Tax. There is hereby levied and imposed an excise tax on the storage, use or other consumption of property in Cullman County as hereinafter provided in this section:

(a) An excise tax is hereby levied and imposed on the storage, use or other consumption in the county of tangible personal property (not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than 50 tons burden) purchased at retail on or after the effective date of such tax, for the storage, use or other consumption in the county on or after the effective date of such tax, at the rate of one percent of the sale price of such property, except as provided in subsection (b), (c), and (d) of this section;

(b) An excise tax is hereby levied and imposed on the storage, use or other consumption in the county of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property purchased at retail on or after the effective date of such tax for storage, use or other consumption in the county, at the rate of one-third of one percent of the sales price of any such machine; provided, that the term "machine," as used herein shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and are customarily so used;

(c) An excise tax is hereby levied and imposed on the storage, use or other consumption in the county of any automotive vehicle, truck trailer, semitrailer or house trailer purchased at retail on or after the effective date of such tax for storage, use or other consumption in the county at the rate of one-third of one percent of the sales price of such automotive vehicle, truck trailer, semitrailer or house trailer;

provided, that where any used automotive vehicle, truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax herein levied shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade; and

(d) An excise tax is hereby levied and imposed on the storage, use or other consumption in the county of any machine, machinery, or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, or poultry on farms, and the parts of such machines, machinery, or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery, or equipment and which are necessary to and customarily used in the operation of such machine, machinery, or equipment, which is purchased at retail after the effective date of this ordinance, for the storage, use or other consumption in the county at the rate of one-third of one percent of the sales price of such property within the county, regardless of whether the retailer is or is not engaged in the business in this county. Provided, however, the one-third of one percent rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities. Where any used machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products or used in connection with the production of agricultural produce or products, livestock, and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery, or equipment the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery, or equipment sold, less the credit for the used machine, machinery, or equipment taken in trade; and

(e) An excise tax is hereby authorized to be levied and imposed on the classes of tangible personal property, and at not exceeding the rate authorized to be imposed on such classes, specified in subsections (a), (b), (c) or (d) of this section, on the storage, use or other consumption in the performance of a contract in the county of any such tangible personal property, new or used, the tax to be measured by the sales price or the fair and reasonable market value of such tangible personal property when put into use in the county, whichever is less; provided, however, the tax authorized to be imposed by this subsection shall not apply where the taxes imposed by subsections (a), (b), (c) or (d) of this section apply.

There are exempted from the provisions of this section, and from the taxes imposed by this section, the storage, use or other consumption of property the storage, use or other consumption of which is presently exempted under the state use tax statutes from the state use tax. Subject to those exemptions, every person storing or using or otherwise consuming in the county tangible personal property purchased at retail on or after the effective date of such taxes shall be liable for the taxes imposed by this section, and the liability shall not be extinguished until the tax has been paid by such person; provided, however, that a receipt from a registered seller given pursuant to Section 6 of this act to the purchaser of any property to be used, stored or consumed in the county shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 4. Payment of Taxes Herein Levied; Reports by Taxpayers. The sales taxes levied in Section 2 hereof shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues; and the use taxes levied in Section 3 hereof shall be due and payable quarterly on or before the twentieth day of the month next succeeding each quarterly period during which the storage, use or other consumption of the tangible personal property became taxable hereunder, each such quarterly period to end on the last day of each of the months of March, June, September, and December. The sales taxes levied in Section 2 of this act shall be paid to and collected by the State Department of Revenue at the same time as and along with the payment and collection of the state sales tax; and the use taxes levied in Section 3 of this act shall be paid to and collected by the State Department of Revenue at the same time as and along with the payment and collection of the state use tax. On or prior to the due dates of the taxes herein levied, each person subject to such taxes shall file with the State Department of Revenue a report or return in such form as may be prescribed by the said Department, setting forth, with respect to all sales and business that are required to be used as a measure of the sales taxes herein levied, a correct statement of the gross proceeds of all such taxes and the gross receipts of all such business, and setting forth, with respect to the use taxes levied herein the total sales price of all property, the use, storage or other consumption of which became subject to the said taxes during the then preceding quarterly period. Such report shall include all such other items of information pertinent to the said taxes and the amount thereof as the State Department of Revenue may require. Any person subject to the sales taxes levied herein may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding and shall pay the taxes

due thereon at the time of filing such report. All reports or returns filed with the State Department of Revenue under this section shall be available for inspection by the governing body of the county or its designated agent at reasonable times during business hours.

Section 5. Sales Tax to be Added to Sales Price or Admission Fee. Each person engaging or continuing within the county in a business subject to the sales taxes levied in Section 2 hereof shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes. It shall be unlawful for any person subject to the sales taxes levied in the said Section 2 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or the person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said taxes to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said taxes or any portion thereof.

Section 6. Special Provisions Respecting Payment of Use Tax; Receipts and Returns by Registered Sellers. Every registered seller making sales of tangible personal property for storage, use or other consumption in the county (which storage, use or other consumption is not exempted from the use taxes herein levied) shall at the time of making such sale, or if the storage, use or other consumption of such tangible personal property in the county is not then subject to the taxes herein levied, at the time such storage, use or other consumption becomes subject to the taxes herein levied, collect the tax from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the State Department of Revenue. On the twentieth day of the month next succeeding following the close of each quarterly period, each registered seller shall file with the State Department of Revenue a return for the then preceding quarterly period in such form as may be prescribed by the State Department of Revenue showing the total sales price of the tangible personal property sold by such registered seller, the storage, use or other consumption of which became subject to the use taxes herein imposed, during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the use taxes required to be collected by such registered seller during the period covered by the return; provided that any registered seller may defer collecting the taxes with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales, shall include in each quarterly report all credit collections made during the preceding quarterly period and shall remit

the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage or other consumption of tangible personal property in the county need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property the storage, use, or other consumption of which is subject to the use taxes imposed herein, and who has not paid the said use taxes due with respect thereto to a registered seller, shall report and pay said use taxes as required by Section 4 hereof. It shall be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the use taxes imposed herein or to refund or offer to refund or absorb, or to advertise directly or indirectly, the absorption of said use taxes or any portion thereof.

Section 7. Enforcement of This Act; Civil Suit; Taxes a Lien. The taxes imposed by this act shall constitute a debt due Cullman County and may be collected by civil suit, in addition to all other methods provided by law and in this Act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All the provisions of the revenue laws of the state which apply to the enforcement of liens for license taxes due the state shall apply fully to the collection of the taxes herein levied, and the State Department of Revenue, for the use and benefit of the county as hereinafter specified, shall collect such taxes and enforce this Act and shall have and exercise for such collection and enforcement all rights and remedies that the State Department of Revenue has for collection of the State Sales Tax and the State Use Tax. The State Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes levied by this act and otherwise to enforce the provisions of this Act, including the institution, prosecution and defense of any litigation involving this Act; and the said Department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it hereunder.

Section 8. Applicability of State Sales and Use Tax Statutes. All provisions of the State Sales Tax Statutes with respect to payment, assessment, and collection of the State Sales Tax, making of monthly reports and keeping and preserving records with respect thereto, interest after the due date of said tax, penalties for failure to pay the said tax, make reports or otherwise comply with the State Sales Tax Statutes, the promulgation of rules and regulations with respect to the State Sales Tax, and the administration and enforcement of the State Sales Tax Statutes, which are not inconsistent with

the provisions of this Act, when applied to the sales taxes levied in Section 2 hereof, shall apply to the sales taxes levied in Section 2, and all provisions of the state use tax statutes with respect to payment, assessment and collection of the State Use Tax, making quarterly reports and keeping and preserving records with respect thereto, interest after the due date of the State Use Tax, penalties for failure to pay said tax, make reports or otherwise to comply with the State Use Tax Statutes, the promulgation of rules and regulations with respect to the State Use Tax and the administration and enforcement of the State Use Tax Statutes, which are not inconsistent with the provisions of this Act, when applied to the use taxes levied in Section 3 hereof, shall apply to the use taxes in the said Section 3. The Commissioner and the State Department of Revenue shall have and exercise the same powers, duties and obligations, with respect to the taxes herein levied, that are imposed on the Commissioner and the said Department by the State Sales Tax Statutes and the State Use Tax Statutes. All provisions of the State Sales Tax Statutes and the State Use Tax Statutes that are made applicable by this Act to the taxes herein levied and to the administration of this Act are incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 9. The State Department of Revenue shall charge Cullman County for collecting the special county tax levied under this Act such amount or percentage of total collections as may be agreed upon by the Commissioner of Revenue and the Cullman County Commission, but such charge shall not, in any event, exceed ten percent of the total amount of the special county tax collected in said county under this Act. Such charge for collecting such special tax may be deducted each month from the gross revenues from such special tax before certification of the amount of the proceeds thereof due Cullman County for that month. The Commissioner of Revenue shall pay into the state treasury all tax collected under this Act, as such tax is received by the Department of Revenue, and on or before the first day of each successive month (commencing with the month following the month in which the Department makes the first collection hereunder) the Commissioner shall certify to the State Comptroller the amount of tax collected under the provisions of this Act and paid by him into the State Treasury for the benefit of Cullman County during the month immediately preceding such certification. Provided, however, that before certifying the amount of the tax paid into the state treasury for the benefit of Cullman County during each month, the Commissioner may deduct from the tax collected in said month the charge due the Department for the collection of tax for the county. It shall be the duty of the Comptroller to issue his warrant each month payable to the County Treasurer of Cullman County in his official capacity in an amount equal to the amount so certified

by the Commissioner of Revenue as having been collected for the use of the county.

Section 10. The one-half of one percent rates of tax levied on automotive vehicles, farm machinery, and manufacturing machines in Act No. 66, Second Special Session 1963 are hereby amended to rates of one-third of one percent. The one-half of one percent rates of tax levied on automotive vehicles, farm machinery, and manufacturing machines in Act No. 30, Special Session 1975 are hereby amended to rates of one-third of one percent.

Section 11. The proceeds of any taxes herein authorized to be levied shall be distributed as follows:

- (1) 45 percent to the general fund of the City of Cullman;
- (2) 15 percent to the general fund of Cullman County to be used by the County Commission;
- (3) 15 percent to the Cullman County Commission to the credit of the road fund;
- (4) 10 percent to the Cullman County Commission for use by the Cullman County Board of Education;
- (5) 10 percent to the municipalities of Cullman County except Cullman to be distributed on a population basis; and
- (6) 5 percent to the rural volunteer fire departments of the county, to be equally distributed among the following volunteer fire departments in Cullman County: Arkadelphia, Baileyton, Battle Ground, Berlin, Bethsadia, Bremen, Cold Springs, Crane Hill, Dodge City, Fairview, Garden City, Gold Ridge, Good Hope, Holly Pond, Johnson Crossing, Jones Chapel, Joppa, Logan, Loretto, Providence, Sardis, Trimble, Walter, and West Point.

The Hanceville Fire Department shall also receive a share of such proceeds equal to that received by each said volunteer fire department. Additionally volunteer fire departments may be designated to receive funds hereunder by resolution of the Cullman County Commission upon the recommendation of the Cullman County Volunteer Fire Department Association and the Cullman office of the Alabama Forestry Commission.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 14. This Act shall become effective on the first day of June, 1981.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-600

H. 1004—Rep. Reed

AN ACT

Relating to Macon County; authorizing the county commission and the sheriff to employ additional deputies sheriff and jail personnel in order to comply with the mandates of the federal courts.

WHEREAS, the United States Courts have issued certain requirements concerning minimum county law enforcement procedures; and

WHEREAS, to comply with these federal mandates, additional law enforcement personnel must be employed by the county; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. In Macon County, the sheriff may employ additional deputies sheriff and jail personnel. The number of additional employees may be determined by the sheriff and the county commission. Salaries for the additional personnel may be payable in like manner as the salaries for existing law enforcement officers and employees are payable out of the general fund of the county or any other fund that the county commission shall designate. The sheriff and the county commission may meet and specific action in accordance with this act and the guidelines mandated by the federal courts and the Macon County Grand Jury may be taken within thirty days after final passage of this act. The sheriff and the county commission may inform the Macon County legislative delegation of the actions taken at the aforementioned meeting.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-601

H. 1005—Rep. Reed

AN ACT

Relating to Macon County; providing for a travel allowance for members of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. In Macon County, each member of the county board of education is hereby entitled to receive a travel allowance in the amount of \$100.00 per month. Said allowance shall be in addition to any and all other salary, allowances or compensation heretofore provided by law and shall be payable from the general fund of the county.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-602

H. 1006—Rep. Reed

AN ACT

Relating to Macon County; providing for a certain law enforcement substation program throughout the county and establishing a certain trust fund for the support of such program; providing for the hiring of certain additional deputies to staff such substation and providing that the county shall finance certain costs of such program.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Macon County, Alabama is hereby authorized to make provisions for a law enforcement substation program throughout the county to the extent he deems necessary for improved law enforcement efforts. In order to foster and encourage the support of private citizens for such program, there is hereby established the Sheriff's Department Substation Trust Fund to which private citizens may make supportive contributions. The county sheriff shall serve as trustee for such fund and shall be held accountable to the county commission and the Macon County legislative delegation for all expenditures made from such fund.

Section 2. In order to staff the law enforcement substation provided for in section 1 of this act, the county sheriff shall hire such additional deputies as he deems necessary with such deputies to be compensated at the rate of \$1 per annum plus other valuable considerations as authorized and approved from time to time by the county commission. All necessary expenses of operating such substations such as office space, utilities, office equipment, weapons, uniforms, flash-lights and other essential equipment shall be paid primarily from

the trust fund with the county at their discretion supplementing any deficiency that the trust fund is unable to cover. Whenever it becomes necessary to cut the costs of office space, the private home of a deputy may be used as a substation when so authorized by the county sheriff and approved by the county commission.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-603

H. 1042—Rep. Cooley

AN ACT

To amend Section 11-50-313, Code of Alabama 1975, which provides for the boards of directors for the operation of water, sewer, gas and electric systems, so as to provide further for the salaries of said board members and to provide for its retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-50-313, Code of Alabama 1975, is hereby amended to read as follows:

“ § 11-50-313. Each corporation formed or the certificate of incorporation of which is amended under this article shall have a board of directors which shall constitute the governing body of the corporation, which board shall consist of three members.

“No fee shall be paid to any director for services rendered with respect to a sanitary sewer system. In any instance where the system or systems owned and operated by the corporation are any one or more of a water system, a gas system and an electric system, the chairman of the board of directors may, at the discretion of the governing body of the municipality with respect to which the corporation was primarily organized, be paid a director's fee in an amount to be set and established by the said governing body each month for one such system and \$10.00 each month for each additional system, and each member of the board of directors other than the chairman

may be paid a director's fee in an amount to be set and established by the said governing body each month for such system; provided, that where the municipality with respect to which the corporation was primarily organized has less than 5,000 inhabitants according to the most recent official census, the maximum total amount of director's fees which may be paid to the chairman of its board of directors shall not exceed \$25.00 during any month, and the maximum total amount of director's fees which may be paid to any other member of the board of directors shall not exceed \$20.00 during any month. In all cities having populations of not less than 6,500 nor more than 8,500 according to the most recent federal decennial census, the members of the board of directors, including the chairman, may each be paid a director's fee in an amount not exceeding \$25.00 each month. In all cities having populations of not less than 12,500 nor more than 13,500 according to the most recent federal decennial census, the chairman of the board of directors, at the discretion of such board, may be paid a director's fee in an amount not exceeding \$200.00 each month, and each member of the board other than the chairman may be paid a director's fee in an amount not exceeding \$175.00 each month; said fees shall be payable retroactive to October 1, 1980. In all cities having populations of not less than 23,000 nor more than 27,000 according to the most recent federal decennial census, the chairman of the board of directors, at the discretion of such board, may be paid a director's fee in an amount not exceeding \$125.00 each month, and each member of the board other than the chairman may be paid a director's fee in an amount not exceeding \$100.00 each month. In all cities located in Jefferson County, Alabama, the chairman of the board of directors, at the discretion of such board, may be paid a director's fee in an amount not exceeding \$450.00 each month for one such system and \$50.00 per month for each additional system; and each member of the board other than the chairman may be paid a director's fee in an amount not exceeding \$400.00 each month for one such system and \$40.00 per month for each additional system. All members of the board of directors of any corporation organized under the provisions of this article shall be reimbursed for actual expenses incurred in and about the performance of their duties under this article.

"Any officer of the municipality shall be eligible for appointment and may serve as a member of the board of directors for the term for which he is appointed or during his tenure as a municipal officer, whichever expires first, but he shall not receive a fee for his services; provided, however, that at no time shall the board consist of more than two officers of the municipality. The directors of the corporation shall be elected by the governing body of the municipality, and they shall be so elected that they shall hold office for staggered terms. The first term of office of one director shall be two years, of another direc-

tor shall be four years and of a third director shall be six years, as shall be designated at the time of their election, and thereafter the term of office of each director shall be six years; provided, however, that the governing body of any municipality which has heretofore or hereafter authorized the creation of a corporation as provided in this article may, at its option, increase the board of directors from three to five members, one member added to the board shall be appointed for a term of four years and the remaining member for a term of six years, and thereafter the term of each such director shall be six years; provided, that at no time shall such board consist of more than three officers of the municipality; provided further, that any officer of the municipality appointed to serve as a member of the board of directors shall serve for the term for which he is appointed or during his tenure as a municipal officer, whichever expires first."

Section 2. This act shall become effective immediately upon its passage and approval of the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-604

H. 1078—Reps. Edwards, Grouby

AN ACT

To authorize the Lowndes County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Lowndes County is authorized, when the need exists, to provide protection against forest fires in Lowndes County by participating in the Alabama Forestry Commission's fire protection program in the manner hereinafter specified.

Section 2. (a) After the Lowndes County Commission has determined that such a need does exist in Lowndes County, the County Commission may, in the manner hereinafter specified, provide for a financial charge or tax to be paid by the owners of forest lands located in Lowndes County for the use of the land for timber growing purposes amounting to the whole or any part of the cost of such fire protection program, but not in excess of ten cents per acre, provided

such financial charge or tax is not greater than the benefit accruing to such forest lands due to availability of such fire protection.

(b) "Forest lands" as used in this Act, shall mean any land which supports a forest growth, or which under prevailing natural and economic conditions may be expected to support such a growth in the future, or which is being used or reserved for any purpose. "Forest lands" as used in this Act, shall not include any lands primarily used for residential purposes nor shall it include any publicly owned lands.

(c) The finance charge or tax fixed as provided in the above section shall be payable at the same time and in the same manner as county taxes, and the owners of the "Forest lands," as herein defined, shall make report of the same to the Tax Assessor of Lowndes County, Alabama, at the time fixed by law for making return of the property of such property owned. Financial charges or taxes levied shall constitute a lien on the property against which they are charged or taxed in case of default in the payment of such financial charge or tax.

"Section 3. The County governing body of Lowndes County is authorized to appoint agents and delegate authority to individuals to search out forest lands in Lowndes County, to determine the area and owners thereof, and report the same to the Tax Assessor of Lowndes County who shall be authorized, after notice by certified mail to such owners, and hearing before the County governing body is requested by such owners, to place said financial charge or tax against the said forest land as may be determined by the report of such agents or the determination of said County governing body. It shall be the responsibility of the Tax Assessor of Lowndes County to establish such rules and regulations as are necessary to administer the provisions of this Act."

"Section 4. The tax herein imposed shall be due and payable to the Tax Collector of Lowndes County, and shall, when collected, be paid to the Treasurer of Lowndes County. All monies collected in accordance with this Act shall be spent in participating in the Alabama Forestry Commission's forest fire protection program in Lowndes County."

Section 5. The County Commission of Lowndes County is authorized to remove such financial charge or tax after said County Commission has determined that the financial charge or tax is no longer needed. The County Commission shall hold public hearings to determine whether or not the financial charge or tax is still needed. Procedures for such public hearings shall be the same as those in Section 3 of this Act.

Section 6. All laws or parts of laws which conflict with this

Act are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective October 1, 1981, following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-605

H. 1082—Rep. Turner

AN ACT

Relating to Washington County, to provide for an advisory referendum on the question of the method of electing county commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Washington County shall order and provide for an advisory referendum at the next primary, general or special election; or upon the call of the county commission. On the ballot to be used at the election, the question shall be stated substantially as follows:

1. Should the members of the Washington County Commission be elected according to geographical districts?

Yes () No ().

The results of the election shall be certified by the probate judge to the Secretary of State, who shall make a permanent record thereof.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-606

H. 1084—Rep. Greer

AN ACT

Relating to Lauderdale County; to allow the county commission to combine the offices of tax assessor and tax collector of said county effective September 30, 1984.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Lauderdale County may, by resolution of such commission passed not later than April 1, 1984, combine the offices of tax assessor and tax collector in said county, effective September 30, 1984.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective upon the ratification of an amendment to the Constitution of Alabama of 1901 authorizing such an act, provided that a majority of the qualified electors of Lauderdale County, voting in such constitutional amendment election approved the adoption of the amendment. If the vote in Lauderdale County on such amendment is not favorable thereto, then this act shall have no force or effect.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-607

H. 1085— Reps. Johnson (R.G.), Shoemaker,
Dial, Moore

AN ACT

Relating to the Twenty-ninth Judicial Circuit; to authorize the district attorney to provide one clerk-secretary to serve the grand juries of said circuit and to prescribe the duties of such clerk-secretary.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the Twenty-ninth Judicial Circuit is hereby authorized to provide a clerk-secretary to attend all grand jury sessions in said circuit at the request of the grand juries. The clerk-secretary shall perform such clerical and secretarial duties as the grand juries and district attorney may prescribe and shall transcribe the testimony and other matters being brought before the grand jury.

Section 2. Either the secretary, administrative assistant or trial coordinator in the district attorney's office shall be designated

as the clerk-secretary by the district attorney. When directed by the district attorney for such circuit, the clerk-secretary shall attend in person, except as otherwise provided, the sessions of each grand jury held in such circuit and in every manner or proceeding before such grand jury take stenographic notes of the oral testimony and proceedings and note the order in which all documentary evidence is introduced.

Section 3. Such clerk-secretary shall collect, store, maintain, keep and be the official custodian of all grand jury testimony or evidence given before the grand juries of such circuit which has heretofore been or shall hereafter be recorded or otherwise transcribed therein. Such clerk-secretary shall take appropriate action to insure that any grand jury evidence or grand jury testimony in such circuit shall be privileged and not subject to public disclosure or view unless authorized by the district attorney and the presiding judge of such circuit.

Section 4. The original stenographic notes of such clerk-secretary, as well as any recordings or transcriptions, of each case or proceeding officially reported shall be preserved by such clerk-secretary and treated as part of the records of the district attorney for such circuit; and, upon such clerk-secretary's retirement or removal from office shall be turned over to the district attorney of such circuit or to some court officer so designated by the district attorney to receive same.

Section 5. The provisions of this act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-608

H. 1089—Rep. Edwards

AN ACT

Relating to Wilcox County; to provide for the further compensation of election officials.

Be It Enacted by the Legislature of Alabama:

Section 1. Each election official of Wilcox County shall receive the rate of minimum wage for each hour, or fraction thereof, that the polls are open per day for the performance of his official duties up to a maximum of twenty-five dollars (\$25.00) per day. The county governing body of Wilcox County shall supplement the compensation already provided by the general law of the state with funds out of the county general fund sufficient to bring said compensation up to the amount provided for by this act; provided, however, in any municipal election in which the official serves, the supplement provided for herein shall be paid by the municipality in which such election is held.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-609

H. 1091—Rep. Daniels

AN ACT

An Act relating to Geneva County; providing the County governing body may supplement the salary of the District Judge from the County General Fund up to Five Thousand Dollars (\$5,000.00) per annum.

Be It Enacted by the Legislature of Alabama:

Section 1. The County governing body of Geneva County is hereby authorized to supplement the salary of the District Judge, from the County General Fund, in an amount not to exceed Five Thousand Dollars (\$5,000.00) per annum.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon it otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

AN ACT

Act No. 81-610

H. 746—Rep. Gilmer

Relating to Lamar County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In Lamar County, notwithstanding the provisions of Section 40-12-10, Code of Alabama 1975, and any other general or local law of this state, no person shall be appointed to the position of county license inspector of or for Lamar County. The position of county license inspector in said county is hereby abolished and the powers, duties and functions of said office shall henceforth be vested in and performed by the sheriff of said county. All fines, fees, and penalties heretofore paid to the license inspector for the performance of his duties of office shall be paid into the general fund of the county to be utilized to aid the elderly citizens of the county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-611

H. 1100—Rep. Greer

AN ACT

To extend, alter and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Florence be and the same are hereby extended, altered and rearranged so as to include within the corporate limits of the City of Florence all of the following additional adjacent territory in Lauderdale County, Alabama, situated, to wit:

TRACT "A"

A tract of land lying and being in the Northeast $\frac{1}{4}$ of Section 32, Township 2 South, Range 10, Lauderdale County, Alabama, more particularly described as follows, to wit: Begin at a point 30 feet South of the Northwest corner of the Northeast quarter of the Northeast quarter of Section 32, Township 2 South, Range 10 West, said point being the Northwest corner of Village Pines Subdivision according to the plat thereof recorded in the office of the Judge of Probate of Lauderdale County, Alabama, in Plat Book 5, page 77; thence South 1290 feet to the Northeast corner of the Southwest quarter of the Northeast quarter of the Northeast quarter of said Section 32; thence West 220 feet to a point: thence South to the South line of said Southwest quarter of the Northeast quarter of Section 32; thence East to a point on the North right-of-way line of U. S. Highway No. 72; thence Northeastwardly with the North right-of-way line of said U. S. Highway 72 to the Southeast corner of Lot 14, Village Pines Subdivision; thence North 0 degrees 01 minutes West along the East line of said Village Pines Subdivision, 1997.82 feet to the Northeast corner of said Village Pines Subdivision; thence West 993.43 feet to the point of beginning.

TRACT "B"

A tract of land lying and being in the Northwest quarter of Section 33, Township 2 South, Range 10 West, Lauderdale County, Alabama, more particularly described as follows, to wit: Begin at a point on the East line of Bailey Springs Road (County Road No. 30) at a point 268 feet South of and 20 feet East of the Northwest corner of the Southwest quarter of the Northwest quarter of Section 33; thence East 195.5 feet; thence North 140 feet; thence East 65 feet; thence Northeastwardly to the Southwest corner of Lot 3, Resurvey of Morningside Heights, according to the plat thereof recorded in the office of the Judge of Probate of Lauderdale County, Alabama, in Plat Book 3 at page 176; thence North 60 degrees 57 minutes East 105 feet to the Northwest corner of Lot 2 of said Resurvey of Morningside Heights; thence East along the North line of Lot 2 and the extension thereof 159.8 feet to a point on the East line of Dowdy Drive as the same appears on said plat of Resurvey of Morningside Heights; thence North along the East line of Dowdy Drive to the Northwest corner of Lot 30, resurvey of Morningside Heights; thence East along the North lot of said Lot 30, 192.4 feet to the Northeast corner of said Lot 30; thence South along the East line of said Resurvey of Morningside Heights, 167.33 feet to a point on the North right-of-way line of U. S. Highway No. 72; thence South westwardly along the North right-of-way line of said Highway No. 72 to a point where the East right-of-way line of Bailey Springs Road intersects the North right-of-way line of said U. S. Highway No. 72; thence North along the East right-of-way line of said Bailey Springs Road to the point of beginning.

TRACT "C"

A tract of land lying in Section 27, 28, and 33, Township 2 South, Range 10 West, Lauderdale County, Alabama, more particularly described as follows, to wit: Beginning at a point where the Westwardly line of Dowdy Drive, as shown on the plat of Resurvey of Morningside Heights as recorded in Plat Book 3, page 176, in the office of the Judge of Probate of Lauderdale County, Alabama, intersects the North right-of-way line of U. S. Highway No. 72; being on the present City Limits of Florence, Alabama; thence Northeastwardly along the North right-of-way line of said U. S. Highway No. 72 to the Southwest corner of Lot 1, Elm Acres Subdivision, according to the plat thereof recorded in the office of the Judge of Probate of Lauderdale County, Alabama, in Plat Book 3, page 86; thence North along the West line of said Lot 1 and Lot 3 of said Subdivision, 294 feet; thence West 265.5 feet to the Southwest corner of Lot 6 of said Elm Acres Subdivision; thence Northeastwardly along the West boundary line of said Elm Acres Subdivision, Belle Meade Subdivision Addition No. 1, according to Plat Book 3, page 166, Probate Office of Lauderdale County, Alabama, And A Resurvey of a Portion of Belle Meade Addition No. 1, according to Plat Book 4, page 40, Probate office of Lauderdale County, Alabama, to the Northwest corner of a Resurvey of a Portion of Belle Meade Addition No. 1, as recorded in Plat Book 4, page 40; thence East along the North line of the South one-half of Section 28, Township 2 South, Range 10 West, to the Southwest corner of Springwood Subdivision, according to the plat thereof recorded in the office of the Judge of Probate of Lauderdale County, Alabama, in Plat Book 5, page 68; thence North 1 degree 29 minutes West along the West boundary of said Springwood Subdivision, 2087.99 feet; thence North 89 degrees 46 minutes East 420 feet; thence North 1 degree 05 minutes West 630 feet; thence North 89 degrees 46 minutes East 939 feet to the Northwest corner of said Springwood Subdivision; thence South 0 degree 52 minutes East along the East boundary of said Springwood Subdivision, 2191.23 feet; thence South 89 degrees 20 minutes 30 seconds West 190 feet to the East line of Mauldin Avenue; thence South 0 degrees 12 minutes 30 seconds East along the East line of said Mauldin Avenue, 529.54 feet; thence East 190 feet to the Northwest corner of the Northeast quarter of the Southeast quarter of Section 28, Township 2, South, Range 10 West; thence South along the West line of the Northeast quarter of the Southeast quarter of said Section 28 to the Northwest corner of Evergreen Estates, according to the plat thereof recorded in the office of the Judge of Probate of Lauderdale County, Alabama, in Plat Book 4 at page 146, thence South 87 degrees 24 minutes East along the North line of said Evergreen Estates 968.3 feet; thence South 1 degree 26 minutes West 420.13 feet to a point on the North line of Lot 8,

Block 3, Evergreen Estates, thence South 87 degrees 24 minutes East along the North lot lines of Lots 8, 9, 10 and 12, Block 3, Evergreen Estates 319 feet, more or less, to the West line of Bennett Road (County Road No. 27); thence North along the West line of Bennett Road to a point due West of a point 134 feet North of the Southwest corner of Lot 10, Lee-Hi Acres Subdivision, according to the plat thereof recorded in the office of the Judge of Probate of Lauderdale County, Alabama, in Plat Book 2, page 132; thence East parallel to and 134 feet North of the South line of Lot 10 to the East line of said Lot 10; thence South 0 degree 45 minutes East along the East line of Lots 10 and 11 for 464 feet to the Southeast corner of said Lot 11; run thence South 89 degrees 15 minutes West for 446.2 feet to the Northeast corner of Lot 12, said Lee-Hi Acres; thence South 0 degree 45 minutes East long the East line of said Lot 12 for 330 feet to the Southeast corner of said Lot 12, thence South 89 degrees 15 minutes West along the South line of said Lot 12, 845.69 feet to the East line of said Bennett Road; thence South along the East line of Bennett Road and the extension thereof to a point on the South right-of-way line of U. S. Highway No. 72; thence Southwestwardly along the South right-of-way line of said U. S. Highway No. 72 to the West line of Rivermont Drive as shown on a plat of Rivermont Subdivision, as recorded in the office of the Judge of Probate of Lauderdale County, Alabama, in Plat Book 3, pages 36 and 37, being on the present City Limits of Florence, Alabama, and the point of ending.

Less and except from Tract "C" above described the following tract of land: Beginning at the Northwest corner of Elm Acres Subdivision, according to the plat thereof recorded in the office of the Judge of Probate of Lauderdale County, Alabama, in Plat Book 3, page 86; thence Northeastwardly along the West boundary line of Belle Meade Subdivision Addition No. 1, according to Plat Book 3, page 166, Probate Office of Lauderdale County, Alabama, and a Resurvey of a portion of Belle Meade Addition No. 1, according to Plat Book 4, page 40, Probate Office of Lauderdale County, Alabama, to the Northwest corner of a Resurvey of a portion of Belle Meade Addition No. 1, as recorded in Plat Book 4, page 40; thence East along the North line of the South one-half of Section 28, Township 2 South Range 10 West to the Southwest corner of Springwood Subdivision, according to the plat thereof recorded in the office of the Judge of Probate of Lauderdale County, Alabama, in Plat Book 5, page 68; thence North 1 degree 29 minutes West along the West boundary of said Springwood Subdivision, 2,087.99 feet; thence North 89 degrees 46 minutes East 420 feet; thence North 1 degree 05 minutes West 630 feet; thence North 89 degrees 46 minutes East 939 feet to the Northeast corner of said Springwood Subdivision; thence South 0 degrees 52 minutes East along the East boundary of said Springwood

Subdivision, 2191.23 feet; thence South 89 degrees 20 minutes 30 seconds West 190 feet to the East line of Mauldin Avenue; thence South 0 degrees 12 minutes 30 seconds East along the East line of said Mauldin Avenue, 529.54 feet; thence East 190 feet to the Northwest corner of the Northeast quarter of the Southeast quarter of Section 28, Township 2 South, Range 10 West; thence South along the West line of the East one-half of the Southeast quarter of said Section 28 to the Northeast corner of lot one, block one, Belle Meade Subdivision, according to Plat Book 3, page 115, office of the Judge of Probate, Lauderdale County, Alabama; thence Southwestwardly along the North lot line and the extension thereof 280 feet, more or less to the Northeast corner of lot one, block 2, Resurvey of Belle Meade Subdivision, according to Plat Book 3, page 137, office of the Judge of Probate of Lauderdale County, Alabama; thence South 64 degrees 55 minutes West along the South line of an alley and the extension thereof to the West line of lot 14, block 14, Belle Meade Addition No. 1, according to Plat Book 3, page 166, probate office of Lauderdale County, Alabama; thence South to the North right-of-way line of U. S. Highway No. 72; thence Southwestwardly along the North right-of-way line of said U. S. Highway No. 72 to the Southeast corner of Elm Acres Subdivision, according to Plat Book 3, page 86, office of the Judge of Probate, Lauderdale County, Alabama; thence North along the East line of said Elm Acres Subdivision 1195 feet to the Northeast corner of said Elm Acres Subdivision; thence West along the North line of said Elm Acres Subdivision 639.5 feet to the point of beginning.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-612

H. 1101—Reps. Roberts, Patton

AN ACT

Relating to Morgan County; providing further for the expense allowances of the chairman and members of the county commission, payable from the county general fund; and providing further for such compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. In Morgan County, commencing October 1, 1981, the chairman of the county commission is authorized to receive an

expense allowance of \$2,300 per annum and each commissioner is authorized to receive an expense allowance of \$4,000 per annum. Said expense allowances shall be payable from the county general fund in the same manner as are expense allowances for other county officers.

Section 2. At the expiration of their respective terms of office, the salary of the chairman and each member of the commission shall be increased in the amount of \$2,300 per annum for the chairman and in the amount of \$4,000 per annum for each member of the commission, and at that time the provisions of Section 1 shall become null and void.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-613

H. 1030—Rep. Smith (M)

AN ACT

Proposing an amendment to the Constitution of 1901, amending Amendment No. 218 to the Constitution of 1901, relating to the special school tax based on the taxable property in the school tax district of the City of Huntsville so as to remove certain restrictions on the use of the proceeds therefrom and allow such proceeds to be expended for any public school purposes within the said district; and providing for a referendum and effective date therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. The following Amendment to the Constitution of 1901 is proposed and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

Amendment of Amendment 218.

Amendment No. 218.

(a) In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of fifty cents on each one hundred dollars worth of taxable property in the school tax district of the city of Huntsville in Madison County to be used solely for public school purposes; provided the levy of said tax shall first have been approved by the qualified electors of the school district as hereinafter provided.

(b) The proceeds of said tax shall be used exclusively for public school purposes of any nature whatsoever in the school tax district of the city of Huntsville, Alabama.

(c) The provisions of this Amendment to the Constitution of 1901, amending Amendment No. 218, allowing the proceeds from the tax levied herein to be used for school purposes of whatsoever nature within the district shall become effective upon the adoption of this Constitutional Amendment; provided, however, that the provisions of this Amendment shall not become operative in the City of Huntsville unless approved by a majority of the qualified electors of the school tax district of the said city who vote thereon at a referendum election held for such purpose upon the call of the authorized official therein. Such election may be called no more frequently than every two years; provided further, that if this amendment is approved by a majority of the qualified electors of the school tax district of the City of Huntsville who vote thereon upon its submission, such election shall constitute a referendum held for such purpose and no further election need be called. Subsequent elections shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the school district tax authorized in constitutional amendment III[3].

Section 2. An election upon the proposed amendment is ordered to be held at the next statewide general or special election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House May 5, 1981

Passed the Senate May 18, 1981

Act No. 81-614

H. 1046—Reps. Ray, Grimsley, Sasser,
Whatley

AN ACT

Proposing an amendment to the Constitution of Alabama relating to the abolition of the offices of Tax Assessor and Tax Collector in Barbour County and for the consolidation of the duties of said offices into a new office; and validating any acts of the Legislature enacted prior to the adoption of this amendment relating to such subject.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

The legislature may from time to time, by general or local law, provide for the abolition of the offices of Tax Assessor and Tax Collector of Barbour County and create a completely new office in such county and transfer to such office the duties of each of said offices of Tax Assessor and Tax Collector in such county; provided that the officer to fill the newly created office will be compensated for the performance of the duties of said office by a salary fixed according to law. All acts of the Legislature, heretofore passed or which may be passed by the Legislature in special or regular session at any time prior to the adoption of this amendment, and applicable to said county, and abolishing the offices of Tax Assessor and Tax Collector and consolidating the duties of said offices into a new office, are hereby validated and confirmed.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, or primary election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which procla-

mation shall be published once a week for four successive weeks next preceding the day appointed for the election in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the House May 5, 1981

Passed the Senate May 18, 1981

Act No. 81-615

H. 559—Reps. Kennedy, Turner, Zoghby,
Clark (W), Warren, Stewart,
Buskey

AN ACT

To amend Section 26-14-1, Code of Alabama 1975, relating to the reporting of abuse or neglect of children, so as to explicitly add the terms "sexual exploitation" or "attempted sexual exploitation" to the definition of child abuse and to explicitly define the terms "sexual abuse" and "sexual exploitation."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 26-14-1, Code of Alabama 1975, is hereby amended to read as follows:

"For the purposes of this chapter, the following terms shall have the meanings respectively ascribed to them by this section:

(1) **ABUSE.** Harm or threatened harm to a child's health or welfare. Harm or threatened harm to a child's health or welfare can occur through nonaccidental physical or mental injury, sexual abuse or attempted sexual abuse, or sexual exploitation or attempted sexual exploitation. 'Sexual abuse' includes rape, incest, and sexual molestation, as those acts are defined by Alabama law. 'Sexual exploitation' includes allowing, permitting, or encouraging a child to engage in prostitution;

and allowing, permitting, encouraging or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes.

(2) **NEGLECT.** Negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical treatment, clothing or shelter; provided, that a parent or guardian legitimately practicing his religious beliefs who thereby does not provide specified medical treatment for a child, for that reason alone, shall not be

considered a negligent parent or guardian; however, such an exception shall not preclude a court from ordering that medical services be provided to the child, where his health requires it.

(3) **CHILD.** A person under the age of 18 years.

(4) **DULY CONSTITUTED AUTHORITY.** The chief of police of a municipality or municipality and county; or the sheriff, if the observation of child abuse or neglect is made in an unincorporated territory; or the department of pensions and security; or any person, organization, corporation, group or agency authorized and designated by the department of pensions and security to receive reports of child abuse and neglect; provided, that a 'duly constituted authority' shall not include an agency involved in the acts or omissions of the reported child abuse or neglect."

Section 2. The provisions of this Act are severable. If any part or parts of the Act shall be declared unconstitutional or void, such declaration shall not affect the remainder of this Act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 18, 1981

Time: 4:30 P.M.

Act No. 81-616

H. 1102—Reps. Roberts, Patton

AN ACT

Relating to Morgan County; to provide a certain salary for the superintendent of education in said county which shall be in lieu of all other salaries and expense allowances heretofore provided by law for said superintendent.

Be It Enacted by the Legislature of Alabama:

Section 1. The superintendent of education for Morgan County, Alabama, shall be paid an annual salary of thirty-one thousand dollars (\$31,000) which shall be in lieu of all salaries and expense allowances heretofore provided by law for said superintendent. Such salary shall be paid in equal monthly installments and shall become effective at the beginning of the next term of office.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-617

H. 1103—Reps. Roberts, Patton

AN ACT

Relating to the 8th Judicial Circuit; providing an additional expense allowance for the circuit court clerk payable from the general fund of the county in such circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing October 1, 1981, the circuit clerk of the 8th Judicial Circuit shall be paid, in addition to any other salary or expense allowance provided by law, an additional expense allowance of \$1200 per annum. Such additional expense allowance shall be payable from the general fund of the county in such circuit in the same manner as are all other expense allowances provided for such officials.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-618

H. 1104—Reps. Roberts, Patton

AN ACT

Relating to the 8th Judicial Circuit; to provide a salary increase to each court reporter; and to provide further for such compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any and all other compensation and expense allowances, each court reporter for the 8th Judicial Circuit shall be allowed and paid an additional \$1,500 per annum as salary, which shall be in addition to any and all other pay, compensation or expense allowances provided by law. Said salary increase shall be paid out of the general fund of the county comprising the 8th Judicial Circuit in the same manner as compensation is paid to each such reporter, commencing October 1, 1981.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved May 17, 1981

Time 2:00 P.M.

Act No. 81-619

H. 1105—Reps. Patton, Roberts

AN ACT

Relating to Morgan County; providing further for the expense allowances and compensation of the revenue commissioner and Commissioner of Licenses of the county, payable from the county general fund, so as to provide an additional expense allowance and providing further for such compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. In Morgan County, in addition to any and all other compensation, provided by law for the revenue commissioner and Commissioner of Licenses, each shall receive a total expense allowance in the amount of \$3,750 per annum for the fiscal year commencing October 1, 1981, and on October 1, 1982, each commissioner shall have such expense allowance increased by an additional \$3,750 per annum. Such expense allowances shall be payable from the county general fund in the same manner as are all expense allowances for said officials.

Section 2. At the end of their respective terms of office, the salary of the revenue commissioner and Commissioner of Licenses; each, shall be increased in the amount of \$7,500 per annum and at

that time the provisions of Section 1 shall become null and void.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-620

H. 1106—Reps. Patton, Roberts

AN ACT

Relating to Morgan County; providing further for an additional expense allowance, payable from the general fund of the county treasury, for the county coroner; and providing further for such compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing October 1, 1981, the coroner of Morgan County shall be entitled to an additional expense allowance in the amount of \$1500 per annum, which shall be in addition to all other expense allowances, compensation, or equipment provided by law. Such expense allowance shall be payable in equal monthly installments from the general fund of the county.

Section 2. Beginning with the expiration of the term of the incumbent coroner, the annual salary for the coroner shall be increased by \$1500 per annum, payable in equal monthly installments from the general fund of the county and the provisions of Section 1, at that time shall become null and void.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-621

H. 1107—Reps. Patton, Roberts

AN ACT

Relating to Morgan County; further regulating the compensation of the Clerk of the jury commission for the county, payable from the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing October 1, 1981, the clerk of the Morgan County jury commission shall be entitled to compensation at a rate per day, but not exceeding an annual amount of \$4800 per annum as prescribed by the county governing body.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-622

H. 1108—Reps. Patton, Roberts

AN ACT

Relating to Morgan County; further regulating the compensation of the chairman of the county board of registrars, so as to provide further for such compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing October 1, 1981, the chairman of the Morgan County Board of Registrars shall be entitled to compensation from the county in the amount of \$20.00 per day for each day's attendance upon business of the board. Such amounts shall be paid out of the county general fund and in addition to any compensation of

registrars paid out of the state treasury and shall be paid in accordance with Morgan County Alabama Personnel Policies and Procedures.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-623

H. 1112—Rep. Reed

AN ACT

Relating to Bullock County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such county; and to provide penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to Bullock County.

Provided, however, that the implementation of the provisions of this Act shall be completely discretionary with the county commission.

Section 2. Certain terms, as used in this Act, shall have the following meaning:

(1) "Board" Shall mean County Rehabilitation Board, composed of the probate judge, the district attorney, the sheriff, the circuit judge, the superintendent of education, the head of the ministerial conference, the juvenile probation officer, the probation officer, the chairman of the county commission, the mayors of all towns and cities within Bullock County, president of each public school Parent-Teacher Association, president of the county civic association, a representative of the Southern Christian Leadership Conference, and a representative of the National Association for the Advancement of

Colored People. Also, a social worker and a physician, preferably a psychologist or a psychiatrist, shall be appointed by the legislative delegation. Also, four residents of Bullock County: One adult male, one adult female, one minor male and one minor female, shall be named by the legislative delegation representing Bullock County. The senator, or the representative or representatives of Bullock County shall individually or jointly convene persons named in said Act and shall preside over the meetings. Said four Bullock County residents' term of office as members of the board shall end when the term of office of the appointing authority ends. Any vacancy in the positions filled by the four residents shall be filled by the appointing authority.

(2) "Inmate" shall mean a prisoner, either male or female, convicted of a crime and sentenced to a term of confinement in the county jail.

Section 3. The board shall adopt regulations and policies permitting the sheriff to extend the limits of the place of confinement of an inmate, as to whom there is reasonable cause to believe he will know his trust, by authorizing him under prescribed conditions, to leave the confines of the county jail unaccompanied by a custodial agent for a prescribed period of time to work at paid employment, while continuing as an inmate in the county jail in which he shall be confined except during the hours of his employment or any other absence authorized by the board and traveling thereto and therefrom. Inmates shall participate in paid employment at the discretion of the board.

Section 4. The employer of an inmate involved in the work release program shall pay the inmate's wages direct to the board. The board may adopt regulations concerning the disbursement of any earnings of the inmates involved in the work release program. The board is authorized to withhold from an inmate's earnings 20 percent of his or her gross earnings to pay such cost incident to the inmate's confinement. After 20 percent has been deducted from the inmate's gross pay, the remainder of the inmate's earnings shall be credited to his account in a local bank, and upon his release from confinement shall be turned over to the inmate. The board may elect, however, to pay the remaining 80 percent of the inmate's earnings to his family to be used by them for their support while the inmate is confined, provided the inmate consents to such payment.

Section 5. The willful failure of an inmate to remain within the extended limits of his confinement or to return to the county jail within the time prescribed by the sheriff shall be deemed as an escape from the custody of the sheriff and shall be punishable as prescribed by law for escaped prisoners.

Section 6. Employees of the board or persons designated by the board are authorized to make investigations and recommendations pertaining to the validity of request for job opportunities for inmates and to otherwise assist the sheriff in the implementation of the program herein authorized.

Section 7. The board or members of the board shall endeavor to secure employment for eligible inmates under this Act subject to the following:

(1) Such employment must be at a wage at least as high as the prevailing wage for similar work in the area or community where the work is performed in accordance with the prevailing working conditions in such area;

(2) Such employment shall not result in displacement of employed workers;

(3) Inmates eligible for work release shall not be employed as strike-breakers or in impairing any existing contracts;

(4) Exploitation of eligible inmates, in any form, is prohibited either as it might affect the community, the inmates, or the board.

Section 8. The board, at its discretion, may also allow an inmate to participate in the release program to further the inmate's education. Under this section the inmate must follow all the rules and regulations prescribed for other inmates participating in the work release program.

Section 9. The board may adopt rules and allow the sheriff to grant furloughs or leave time not to exceed three consecutive days or 72 hours to inmates whom the board deems are deserving.

Section 10. No inmate granted privileges under the provisions of this Act shall be deemed to be an agent, employee, or involuntary servant of the board, state, or county, while involved in the free community or while going to and from employment, or other specified areas or while on furlough.

Section 11. The sheriff or person designated by the board shall prepare an annual report to be filed with the board not later than sixty days from the close of each fiscal year showing the operations and administrations and suggestions as deemed advisable. The board shall designate someone to keep such records as they deem appropriate and shall compensate them from the 20 percent earnings retained from the inmates.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-624

H. 2—Rep. Hammett

AN ACT

To provide that certain employees of Alabama Educational Television shall be covered under the state merit system and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. All persons employed on a full-time basis by Alabama Educational Television or Alabama Public Television Network, who were employed after January 1, 1981, shall be covered under the state merit system law and shall be extended all benefits of such system.

Section 2. The classification of personnel employed prior to January 1, 1981, shall not result in any decrease in salary or benefits already vested in said employees, nor shall said classification result in the termination of employment of any presently employed person for failure to meet any qualifications issued by the state personnel department, provided, however, that two years after the effective date of this act, all employees must occupy a position in the classified service under the appropriate class based on qualifications and duties for each position as established by the state personnel department.

Section 3. The provisions of this act shall become effective 90 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-625

H. 60—Rep. Adams (C)

AN ACT

To amend Section 23-1-41 of the Code of Alabama 1975 which provides for insurance to employees of the state highway department who may be killed or injured in the line and scope of their employment so as to provide for a self-insurance program for such employees; to provide for administration of such program with state highway department personnel; to provide for the financing of such program with highway department funds; to provide for retroactive effect to February 1, 1980 and to provide that any reinsurance policies in effect on the effective date of this Act shall continue in force until September 30, 1981.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 23-1-41 of the Code of Alabama 1975 is hereby amended to read as follows:

“Sec. 23-1-41.

“The highway department is authorized and empowered and may, with the approval of the Governor, provide for a self-insurance program covering a certain amount to be paid to the employees of the highway department who may be killed or injured in the line and scope of their employment; provided, that the amount paid to any such party on account of death or injury shall not exceed the amount or amounts as provided by the Workmen’s Compensation Act of this state. The director of the highway department may, with the approval of the Governor, enter into an agreement with an agency, company, or corporation qualified to administer a self-insured Workmen’s Compensation program to administer the program or, in the alternative, the director may elect to administer the program with highway department personnel. The cost of this program shall be paid out of the funds of the highway department as provided by law, and to that end and for that purpose, the department may, with the consent and approval of the Governor, disburse any moneys appropriated or set apart for the construction, repair or maintenance of the public roads, bridges and highways of this state.”

Section 2. The provisions of this act shall be retroactive to February 1, 1980.

Section 3. Section 2 hereof notwithstanding, any reinsurance policies which are in effect as of the effective date of this act shall continue in force until September 30, 1981.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-626

H. 155—Reps. Edwards, Warren, Cosby

AN ACT

To amend Section 41-16-52, Code of Alabama, 1975, which relates to competitive bidding and the expenditure of public funds, so as to increase the present limits on expenditures for repair or lease of heavy duty off-highway construction equipment that may be made without the requirement of competitive bids being taken from \$1,500 to \$6,000 on parts and repair and from \$1,500 to \$3,000 per month on the lease of such equipment.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-16-52, Code of Alabama 1975, is hereby amended to read as follows:

“Section 41-16-52. (a) All expenditure of funds of whatever nature for repair parts and repair of heavy duty off-highway construction equipment, including machinery used for grading, drainage, road construction and compaction for the exclusive use of county and municipal, highway, street and sanitation departments, involving not more than \$6,000.00 made by or on behalf of any county commissions and the governing bodies of the municipalities of the state, and the governing boards of instrumentalities, including waterworks boards, sewer boards, gas boards and other like utility boards and commissions, shall be made, at the option of said governing boards, bodies, instrumentalities and commissions, without regard to the provisions of this article.

“(b) The option provided by subsection (a) of this section may be exercised by said governing boards, bodies, instrumentalities and commissions by specific reference to this section on any and all purchase orders and purchase commitments executed by said governing boards, bodies, instrumentalities and commissions.

“(c) All expenditures of funds of whatever nature for the leasing of heavy duty off-highway construction equipment, including machinery for grading, drainage, road construction and compaction for the exclusive use of county and municipalities, highway, street and sanitation departments, involving a monthly rental of not more than \$3,000.00 per month made by or on behalf of any county commissions and the governing boards of municipalities of the state and the governing bodies of instrumentalities, including waterworks boards, sewer boards, gas boards and other like utility boards and commissions shall be made, at the option of the said governing boards, bodies, instrumentalities and commissions, without regard to the provisions of this article.”

Section 2. This act shall become effective upon its passage and

approval by the Governor, or upon its otherwise becoming law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-627

H. 156—Rep. Edwards

AN ACT

To amend Section 11-43-4, Code of Alabama 1975, to provide that the clerk and other officers of a city or town elected by the council shall serve until their successor or successors are elected and qualified.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-43-4, Code of Alabama 1975, is amended to read as follows:

“§ 11-43-4. Election of clerk, etc., in towns and in cities having less than 6,000 inhabitants; filling of vacancies in council generally.

“In cities having a population of less than 6,000 and in towns, the council shall elect a clerk and fix the salary and term of office, and may determine by ordinance the other officers of the city or town, their salary, the manner of their election and the terms of office, and shall fill all vacancies in the council by a majority vote of the council. The clerk and such other officers elected by the council shall serve until their successor or successors are elected and qualified.”

Section 2. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-628

H. 604—Rep. Sasser

AN ACT

To create an additional judgeship for the Thirty-third Judicial Circuit of Alabama; to provide for the election of the first judge and of subsequent judges to fill this judgeship; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other circuit judges in this state; to increase the number of circuit judges in the Thirty-third Judicial Circuit of Alabama to two; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created an additional circuit judgeship for the Thirty-third Judicial Circuit, which shall be designated as judgeship No. 2. The existing judgeship shall be designated as judgeship No. 1. The additional judge shall be elected for a full term at the next general election for state officers in the manner provided by law and such judge shall hold office until a successor has been elected and qualified. Successors shall be elected in the same manner and for the same term as prescribed by law for other circuit judges.

Section 2. The judge of said circuit judgeship No. 2 shall have and exercise all of the jurisdiction, powers, rights, and authority and possess all of the qualifications, perform all the duties, and be subject to all the pains, obligations, and penalties that other circuit judges may exercise, perform, or be subject to.

Section 3. The additional circuit judge provided for in this act shall receive the same salary, and supplements payable in the same manner, as the other circuit court judge in the Thirty-third Judicial Circuit.

Section 4. Section 12-17-20 of the 1975 Code of Alabama is amended to read as follows:

“§ 12-17-20. (a) Except as otherwise provided in this section, each judicial circuit of the state shall have one resident circuit judge.

“(b) In the following judicial circuits, there shall be the number of resident circuit judges listed below:

“(1) There shall be two circuit judges in the first judicial circuit. The judge occupying judgeship No. 1 shall be the presiding judge.

“(2) There shall be two circuit judges in the fourth judicial circuit.

“(3) There shall be three circuit judges in the fifth judicial circuit.

“(4) There shall be five circuit judges in the sixth judicial circuit.

“(5) There shall be four circuit judges in the seventh judicial circuit.

“(6) There shall be three circuit judges in the eighth judicial circuit.

“(7) There shall be two circuit judges in the ninth judicial circuit.

“(8) There shall be 20 circuit judges in the tenth judicial circuit.

“(9) There shall be two circuit judges in the eleventh judicial circuit.

“(10) There shall be two circuit judges in the twelfth judicial circuit.

“(11) There shall be nine circuit judges in the thirteenth judicial circuit.

“(12) There shall be three circuit judges in the fourteenth judicial circuit.

“(13) There shall be six circuit judges in the fifteenth judicial circuit. At least two judges shall be assigned to the criminal division of said circuit, and one or more judges shall be assigned to the civil division, in the discretion of the presiding judge.

“(14) There shall be four circuit judges in the sixteenth judicial circuit.

“(15) There shall be three circuit judges in the eighteenth judicial circuit.

“(16) There shall be two circuit judges in the nineteenth judicial circuit.

“(17) There shall be three circuit judges in the twentieth judicial circuit.

“(18) There shall be two circuit judges in the twenty-second judicial circuit.

“(19) There shall be six circuit judges in the twenty-third judicial circuit.

“(20) There shall be two circuit judges in the twenty-fifth judicial circuit.

“(21) There shall be two circuit judges in the twenty-sixth judicial circuit.

“(22) There shall be two circuit judges in the twenty-seventh judicial circuit.

“(23) There shall be two circuit judges in the twenty-eighth judicial circuit.

“(24) There shall be two circuit judges in the twenty-ninth judicial circuit.

“(25) There shall be two circuit judges in the thirtieth judicial circuit.

“(26) There shall be two circuit judges in the thirty-first judicial circuit.

“(27) There shall be two circuit judges in the thirty-second judicial circuit.

“(28) There shall be two circuit judges in the thirty-third judicial circuit.

“(29) There shall be two circuit judges in the thirty-seventh judicial circuit.

“(30) There shall be two circuit judges in the thirty-eighth judicial circuit.

Section 5. All laws, and parts of laws, whether general, special or local, in conflict with the provisions of this act, are hereby repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-629

H. 873—Rep. Gilmer

AN ACT

Relating to Lamar County; to establish a special fund in the county treasury to pay a bounty on beaver trapped or killed in Lamar County; to provide for the administration of said fund and bounty system.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Lamar County shall establish a special beaver fund in the county treasury with an initial deposit of \$5,000.00 from the county general fund. Said beaver fund shall be used to pay bounties in the amount of \$10.00 per beaver that is trapped or killed in Lamar County.

Section 2. The payment of a bounty of \$10.00 per beaver shall be administered by the senior state conservation officer assigned to Lamar County, who must give an annual accounting and report to

the county governing body on the beaver-bounty program in Lamar County. Bounties shall be paid only upon the written authorization of said conservation officer.

Section 3. All claims for bounties must be filed with a conservation officer assigned to Lamar County and the conservation officer shall have due reason to believe that the beavers trapped or killed were trapped or killed in Lamar County. The conservation officer shall have absolute discretion in paying the bounty provided for in this act and his decision shall be final.

Section 4. The county commission shall appropriate such sums annually at the beginning of the fiscal year as shall start the beaver bounty fund off with \$5,000.00 annually.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-630

H. 914—Reps. Sasser, Grimsley

AN ACT

Relating to Henry County, to change the method of compensating the judge of probate; to fix such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county; and to make provision for the personnel, quarters and supplies for the probate office.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge of Henry County shall be entitled to receive compensation in the form of an annual salary which shall be equal to \$4,500.00 per annum less than the total salary compensation paid by the state to the presiding circuit judge in said county. Such salary shall be paid in lieu of all other fees, allowances, and percentages heretofore provided by law, and shall be paid in equal monthly installments out of the general fund in the county treasury.

Section 2. All fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate,

hereafter shall be collected and paid into the general fund of the county.

Section 3. Upon the recommendation of the judge of probate, the governing body of Henry County shall provide the probate office with such office personnel, clerks, deputies, and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of such office. Compensation of any personnel so provided shall be fixed by the judge of probate, and shall be paid in equal monthly installments out of the general fund of the county.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective on the first day of the next term of office of the judge of probate of Henry County after the ratification of an amendment to the Constitution of Alabama, 1901, authorizing the legislature to so regulate the compensation of the judge of probate of Henry County; provided that a majority of the qualified electors of Henry County, voting in such constitutional amendment election approved the adoption of the amendment. If the vote in Henry County on such amendment is not favorable thereto, then this Act shall have no force or effect.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-631

H. 946—Reps. Ray, Grimsley, Whatley,
Sasser

AN ACT

To levy a finance charge or a tax of five cents per acre to be assessed against lands located in Barbour County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Barbour County; prescribing the procedure for the collection of such assessments; prescribing authority and responsibility of the Barbour County Tax Collector and County Treasurer therefor; and prescribing an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) There is hereby levied and assessed a finance charge or tax of five cents per acre to be paid by the owners of forest lands located in Barbour County, Alabama, for the use of land for timber growing purposes.

(b) "Forest lands" as used in this Act, shall mean any land which supports a forest growth, or which under prevailing natural and economic conditions may be expected to support a growth in the future, or which is being used or reserved for any forest purpose. "Forest lands" as used in this Act, shall not include any lands primarily used for residential purposes nor shall it include any publicly owned lands.

Section 2. The finance charge or tax fixed as provided in Section 1 shall be payable at the same time and in the same manner as county taxes, and the owners of the "forest lands," as herein defined, shall make report of the same to the Tax Assessor of Barbour County, Alabama, at the time fixed by law for making return of the property of such property owned. Financial charges or taxes levied shall constitute a lien on the property against which they are charged or taxed in case of default in the payment of such financial charge or tax.

Section 3. The county governing body of Barbour County is authorized to appoint agents and delegate authority to individuals to search out forest lands in Barbour County, to determine the area and owners thereof, and report the same to the Tax Assessor of Barbour County who shall be authorized, after notice by certified mail to such owners, and hearing before the county governing body is requested by such owners, to place said financial charge or tax against the said forest land as may be determined by the report of such agents or the determination of said county governing body. It shall be the responsibility of the Tax Assessor of Barbour County to establish such rules and regulations as are necessary to administer the provisions of this Act.

Section 4. The tax herein imposed shall be due and payable to the tax collector of Barbour County, and shall, when collected, be paid to the Treasurer of Barbour County. All monies collected in accordance with this Act shall be spent in participating in the Alabama Forestry Commission's forest fire protection program in Barbour County.

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective October 1, 1981, following its passage and approval by the Governor, or upon its other-

wise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-632

H. 975—Reps. Laird, Turnham, Harper (O)

AN ACT

Relating to Chambers County; to provide for an expense allowance for the members of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intent of the legislature to provide the following expense allowances in response to a resolution adopted by the county commission of Chambers County on October 6, 1980.

Section 2. Each member of the county commission of Chambers County, except the chairman, shall receive an expense allowance in the amount of \$100.00 per month. The chairman shall receive an expense allowance in the amount of \$200.00 per month. Said allowances may be paid out of any county fund or funds and shall be in addition to any and all other compensation, expenses and allowances provided for by law.

Section 3. All law or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-633

H. 1032—Reps. Clark (G), Manley

AN ACT

Relating to Hale County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Hale County Commission is hereby authorized and empowered, within Hale County, to go upon private property and perform work or services for churches, schools, individuals, and non-profit associations or corporations and to sell materials to churches, schools, individuals, and non-profit associations or corporations subject to the provisions of this Act.

Section 2. It is the intent of this Act to make available to the citizens of Hale County services only when such services are not reasonably available to them at a reasonable cost from private enterprise. Upon the enactment of this Act and during the month of January each year thereafter, the county commission shall investigate the availability of work, services and material from private enterprise in the various areas of Hale County and shall enter upon the minutes of the county commission the results of such investigation. The county commission shall thereafter adopt a written policy governing the doing of such work or services and the sale of such material. The policy shall include a description of the work and services which will be performed and the materials to be sold and a limitation upon the areas in which such work or services will be performed and in which materials will be sold to those areas in which such work, services or material are not reasonably available at a reasonable cost from private enterprise. The policy shall include a provision that such work, services, or materials are available to all citizens of Hale County where such work, services or material are not reasonably available from private enterprise at a reasonable cost.

Section 3. No work may be done by the Hale County Commission upon private property unless the county commission has no present need for the use for public county purposes of the existing personnel and equipment necessary to perform such work and unless the county commission and the proper fund in the county treasury are justly compensated for work or services performed and for the materials used or sold. In determining just compensation for work or services performed and for materials used or sold, all indirect costs including but not limited to overhead, management and depreciation shall be included.

Section 4. Before any work or services are performed on private

property or material is sold to churches, schools, individuals, or non-profit associations or corporations, a written contract must be signed by the party for whom the work or services are to be performed or to whom the material is to be sold stating the work to be done or material sold, the amount to be paid for such work or services or material or the rate by which the amount to be paid for such work, services or materials will be computed. Such contract shall be a public document available for inspection by any interested party. The work or services to be performed must be paid for prior to the commencement of any work and any material delivered must be paid for prior to the time the material is delivered. The name of each church, school, individual, or non-profit association or corporation for whom work or services are performed or to whom material is delivered shall be entered upon the permanent minutes of the Hale County Commission at its next regular meeting following the completion of the work or the delivery of the material, along with a description of the work performed or material delivered and a statement of the price paid to the county for the work performed or material sold.

Section 5. No work shall be performed for any church, school, individual, or non-profit association or corporation under the provisions of this Act including labor, materials, equipment use or any other cost or expense that exceeds \$1,000 for any twelve (12) month period.

Section 6. The provisions of this act shall not be construed to repeal any law not in direct conflict herewith.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-634

H. 1044—Rep. Minus

AN ACT

Relating to Choctaw County; to provide for an additional expense allowance for the poll workers of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. In Choctaw County, in addition to any and all other compensation, salary and expense allowances provided for by law, there shall be paid to each poll worker an expense allowance in such an amount as will, together with any amount paid by the state, as salary, compensation or expense allowance, make the total paid to such poll worker equal to thirty dollars (\$30.00) per day. If the amount paid to such poll worker as compensation or expense allowance by the state increases in the future, then the amount paid by the county under this Act shall automatically decrease.

Section 2. The amount paid under the provisions of this Act shall be paid out of the county general fund.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-635

H. 1055—Rep. Pegues

AN ACT

Relating to Perry County; levying an additional privilege or license tax upon sellers, distributors or users of malt or brewed beverages; providing for the distribution of the proceeds of the tax; and providing for the termination of such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. A county privilege or license tax is hereby imposed on all persons, firms and corporations, selling, distributing or delivering to retailers in Perry County, any malt or brewed beverages (including beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume), which tax shall be in an amount equal to one-half cent on each container sold or distributed within the county, including that sold or distributed within all municipalities located in the county. Such tax shall be in addition to all other taxes heretofore levied on the sale and distribution of such beverages in said county; provided that where the amount of the tax imposed by this act shall have been paid to the county by any seller, distributor, dealer, or user, such payment shall be sufficient, the intent being that the tax levied by this act shall be paid but once.

Section 2. The proceeds of the tax imposed by this act shall be paid to the Perry County treasury to be used by the county commission for the purpose of paying the cost of acquiring or providing voting machines for each voting place in the county. The county commission shall provide for such voting machines by October 1, 1981.

Section 3. When the proceeds of the tax are sufficient to cover the cost of acquiring such voting machines and a surplus of \$10,000 to be used for the maintenance, supplies and storage and the training for use of the voting machines has been retained, the levy and collection of such additional tax shall terminate and this act shall have no more effect.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-636

H. 1057—Rep. Gilmer

AN ACT

Relating to Lamar County; to amend Sections 1 and 2 of Act No. 80-518, H. 1051 of the 1980 Regular Session (Acts 1980, p. 798), so as to provide further for the compensation and expense allowances of certain members of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 2 of Act No. 80-518, H. 1051 of the 1980 Regular Session (Acts 1980, p. 798) are hereby amended to read as follows:

“Section 1. The members of the Lamar County Commission, excluding the probate judge, shall each receive an additional expense allowance in an amount necessary to make their total compensation, including salary and expense allowance, \$1000.00 per month. Said expense allowance shall be paid by warrant drawn on the general fund in the county treasury in a manner provided by law, and shall be in

addition to any salary or expense allowance currently provided by law.

“Section 2. Effective with the next term of office, all compensation, including salary and expense allowances heretofore provided to the members of the county commission by law, including the probate judge, shall be converted to salary.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 3:00 P.M.

Act No. 81-637

H. 1058—Rep. Gilmer

AN ACT

Relating to Lamar County; providing certain compensation and expense allowances for the county superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the next term of office, the county superintendent of education in Lamar County shall receive an annual salary which shall not be more than twenty-five percent (25%) in excess of the highest salary paid to any other employee in the county school system. The salary herein provided for said superintendent shall be fixed by the county board of education and shall be payable in equal monthly installments out of the county funds available for such purpose. In addition to such salary, said superintendent shall furnish his own automobile and shall be reimbursed for out-of-county and out-of-state travel on official business at the rate of twenty cents (20¢) per mile and on an actual expense basis for any other expenses incurred in performance of official duties.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-638

H. 1060—Rep. Shavers

AN ACT

Relating to Jackson County; providing that the county commission may provide additional compensation for poll officials in an amount up to \$10 per day from the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The Jackson County Commission may provide compensation to election officials in addition to that now provided by law, in an amount not exceeding \$10 per day.

Section 2. This additional compensation shall be appropriated from the county general fund.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-639

H. 1062—Reps. Grimsley, Carothers, Daniels

AN ACT

To alter or rearrange the boundary lines of the Town of Webb, Houston County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Houston County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Webb, Houston County, Alabama, be and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Webb and in addition thereto the following described territory, to-wit:

PROPOSED NEW CITY LIMITS FOR WEBB, ALABAMA

From the intersection of the existing north City Limits and a point 500 feet east of west line of Section 31, T4N, R28E as the point of beginning run north and parallel to said west line to a point on the north line of the S 1/2 of said section 30 thence west along the

1/2 section line to a point on the west section line of Section 25, T4N, R27E; thence south along the section line to the 1/2 section line of Section 36; thence west along said 1/2 section line of Section 35 to the intersection of the centerline of Omusse Creek; thence southerly along said centerline to the north line of Section 3; thence west to the 1/2 section line of Section 3; thence south to the 1/2 section line of Section 3; thence east to the centerline of Omusee Creek; thence run southeasterly along the center line of said Crawford Creek to a point 500 feet south of Houston County Highway No. 44 and said point being in the NE 1/2 of the NW 1/4 of section 24, T3N, R27E; thence northeasterly and parallel to said Highway No. 44 to a point 500 feet west of Houston County Highway No. 57; thence run northerly and parallel to said Highway No. 57 to the existing south corporate boundary of Webb; thence westerly along said boundary to the intersection of the west corporate boundary of Webb; thence northerly along said west boundary to the intersection of the north corporate boundary of Webb; thence run easterly along said north boundary a distance 3500 feet, more or less to the point of beginning and containing 13,815 acres, more or less.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-640

H. 1065—Rep. Moore

AN ACT

To amend Section 17-4-138, Code of Alabama 1975, so as to provide additional office space and clerical help for the board of registrars and to authorize the placement of voting machines in the board's offices.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 17-4-138, Code of Alabama 1975, is hereby amended to read as follows:

“ § 17-4-138. The judge of probate may employ such assistants and clerical help as may be necessary to complete and properly prepare the list of qualified electors which the judge of probate is required to furnish the election inspectors. The judge of probate shall receive or such assistants shall be paid out of the county treasury by warrants, drawn by the county commission on certificate of the probate judge, accompanied by the certificates of the person being paid, show-

ing the amount is due under the provisions of this chapter, but the entire amount spent for the preparation of such lists shall not exceed a sum equal to the amount obtained by multiplying the number of names on said list by \$.05 for the preparation of such list. The judge of probate in all counties having a population of not less than 100,000 nor more than 350,000 according to the last or any subsequent federal census, is hereby authorized and directed to employ a clerk to assist the board of registrars of said county. The duties of said clerk shall be to submit to the board of registrars revised election lists of said county by placing all persons in their proper ward or precincts and eliminating therefrom all deceased, nonresident and fictitious persons named upon said roll and those convicted of crime, and shall further attend to all clerical work of the board of registrars. Such clerk shall be paid a compensation out of the county treasury, of not more than \$250.00 per month, to be fixed by the judge of probate.

“The board of registrars shall be furnished with not less than 450 square feet of office space by the county governing body. The chairman of the board of registrars is hereby authorized to purchase all necessary office equipment and hire all necessary part time or full time clerical help to perform its prescribed duties.

“At the discretion of the board of registrars, voting machines may be placed in their office.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-641

H. 1066—Rep. Harvey

AN ACT

Relating to Blount County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the “Sheriff’s Department Fund” of the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In Blount County, in addition to all other fees or costs levied, there shall be taxed as costs the sum of \$20.00 in the

service of any papers or documents by the sheriff or any deputy sheriff arising out of any civil or criminal action instituted outside the State of Alabama, whether at law or equity. Said costs shall be collected in the same manner as other court costs in actions instituted or arising outside the State of Alabama.

Section 2. All funds generated by the provisions of this Act shall be paid into the general fund of Blount County, designated for the "Sheriff's Department Fund," and shall be used for the costs and expenses incurred and related to the service of the said civil or criminal papers or documents.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act are supplemental and shall be construed in *pari materia* with other laws regulating court costs; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No, 81-642

H. 1067—Rep. Harvey

AN ACT

Relating to Blount County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

Be It Enacted by the Legislature of Alabama:

Section 1. In Blount County, in addition to all other fees or costs levied, there shall be taxed as costs the sum of \$12.50 in the service of any papers or documents by the sheriff or any deputy sheriff arising out of any civil or quasi-civil proceeding at law or in equity, whether such proceeding is in any inferior court, municipal court, district court or circuit court and whether such proceeding is filed in or arising in any of the said courts, or on appeal, certiorari or otherwise to the district court or the circuit court. Said costs shall be collected in the

same manner as other costs in such cases in the respective courts.

Section 2. All funds generated by the provisions of this Act shall be paid into the general fund of Blount County, designated for the "Sheriff's Department Fund," and shall be used for the costs and expenses incurred and related to the service of said civil papers or documents.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act are supplemental and shall be construed in pari materia with other laws regulating court costs; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-643

H. 1068—Rep. Harvey

AN ACT

Relating to Blount County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

Be It Enacted by the Legislature of Alabama:

Section 1. In Blount County, in addition to all other fees or costs levied, there shall be taxed as costs the sum of \$10.00 upon conviction in any criminal proceeding arising out of the commission of a misdemeanor or felony. Said costs shall be collected in the same manner as other costs in such cases in the respective courts.

Section 2. All funds generated by the provisions of this Act shall be paid into the general fund of Blount County and shall be used exclusively for the maintenance and supervision of the county jail building.

Section 3. The provisions of this Act are severable. If any part

of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act are supplemental and shall be construed in pari materia with other laws regulating court costs; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-644

H. 1071—Rep. Owens

AN ACT

To provide for a special recording fee of \$1.50, in addition to all existing recording fees and charges, for each certain documents hereafter filed for record in the office of the Judge of Probate of Bibb County.

Be It Enacted by the Legislature of Alabama:

Section 1. On and after the date this act becomes applicable to Bibb County, a special recording fee of \$1.50 shall be paid to the county, and collected by its Judge of Probate, with respect to each real property instrument and each personal property instrument that may be filed for record in the office of said Judge of Probate and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county, and, on and after such date, no such instrument shall be received for record in the office of said Judge of Probate unless the said special recording fee of \$1.50 is paid thereon. Said special recording fee shall be in addition to all other fees, taxes and other charges required by law to be paid upon the filing for record of any real property instrument or personal property instrument, and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county. All special recording fees so collected shall be deposited into the county general fund.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this

act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-645

H. 1072—Rep. Owens

AN ACT

To amend Section 1 of Act No. 80-376, H. 938, 1980 Regular Session (Acts 1980, p. 497), dealing with the performance of work by county personnel on private property to provide explicitly that such work may include the opening and closing of graves.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 80-376, H. 938, 1980 Regular Session is hereby amended to read as follows:

“Section 1. The Bibb County Commision is hereby authorized and empowered, within Bibb County, to go upon private property and perform work or services for churches, schools, individuals, and non-profit associations or corporations, including but not limited to the opening and closing of graves, and to sell materials to churches, schools, individuals, and nonprofit associations or corporations subject to the provisions of this Act.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-646

H. 1073—Rep. Owens

AN ACT

Relating to Bibb County; to amend section 4 of Act No. 722, H. 1708, Regular Session 1973 (Acts 1973, p. 1079), relating to assessment of certain property for fire protection services, so as to provide an exemption for certain persons, and to provide for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 722, H. 1708, Regular Session 1973 (Acts 1973, p. 1079) is hereby amended to read as follows:

“Section 4. Any such financial charge or tax fixed as provided in the above section shall be payable at the same time and in the same manner as county taxes and the owners of the forest lands, as herein defined, shall make report of same to the tax assessor of Bibb County at the time fixed by law for making return of the property of such property owner. Financial charges or taxes levied shall constitute a lien on the property against which they are charged or taxed in case of default in the payment of such financial charge or tax the land may be sold in the same manner and under the same conditions that lands are sold for the satisfaction of liens for county ad valorem taxes and redemption from such sale may be effected in the same manner as is provided by law for redemption where land is sold for nonpayment of ad valorem taxes. Provided, however, that any person who is totally disabled or is 65 years of age or older and has a net annual taxable income of \$7500.00 or less, as shown on such person's and spouse's latest United States income tax return shall be exempt from any financial charge or tax provided by this act.”

Section 2. This amendatory act shall have retroactive effect to October 1, 1979.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 647

H. 1074—Rep. Owens

AN ACT

Relating to the Board of Registrars of Bibb County; providing further for additional compensation for members of such board, payable from the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In Bibb County each member of the Board of Registrars shall receive an additional ten dollars (\$10) per day for each day's attendance of the sessions of the board. Such compensation shall be in addition to any and all compensation for such members and shall be payable from the county general fund in the same manner as all other compensation therefor.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-648

H. 1075—Reps. Roberts, Cooley, Letson,
Patton

AN ACT

Relating to Morgan County; amending Act No. 190, H. 742, 1977 Regular Session (Acts 1977, p. 258), which provides that the county may make contributions to volunteer fire departments, so as to provide further for said contributions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 190, H. 742, Regular Session 1977, is hereby amended to read as follows:

“Section 1. The Morgan County Commission may, upon such terms as it deems proper, contribute money and materials to volunteer rural fire departments organized in Morgan County according to law. Monies budgeted shall be contributed when matched by the recipient by an equal amount. Such matching funds may consist of money then on hand or of money expended by the recipient during that fiscal year beginning October 1, or both.”

A financial statement as of the last day of the fiscal year shall be filed promptly with the Commission. No funds on hand at the end of any fiscal year and no invoices evidencing funds expended during that year may be used for matching funds in any succeeding fiscal year.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-649

H. 1076—Rep. Carter

AN ACT

To repeal Act No. 409, S. 541 approved July 17, 1931, Regular Session 1931 (Acts 1931, p. 182), as amended, entitled "To provide for the quarterly publication by the court of County Commissioners, board of revenue or like governing body of Limestone County, Alabama, of an itemized account of all receipts and expenditures of said Limestone County, and to provide penalty for failure to observe this law."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 409, S. 541 approved July 17, 1931, Regular Session 1931 (Acts 1931, p. 182), as amended, entitled "To provide for the quarterly publication by the court of County Commissioners, board of revenue or like governing body of Limestone County, Alabama, of an itemized account of all receipts and expenditures of said Limestone County, and to provide penalty for failure to observe this law," is hereby expressly repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-650

H. 1096—Rep. Patton

AN ACT

Relating to Morgan County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

Be It Enacted by the Legislature of Alabama:

Section 1. In Morgan County, in cases where a personal check given for a license is found to be non-collectible for any reason, the license commissioner will notify the county commission, who will make a reasonable attempt to retrieve the license in question. In the event that the license cannot be retrieved, the county commission will so state and such statement shall constitute authorization for the license commissioner to void any license in question. Once such license

has been voided, the license commissioner will receive credit for the cost of the license plus the issuance fee. The appropriate state office will mark the records pertaining to the void license and, upon inquiry by law enforcement agencies, will notify said agencies that the party in question is operating under a void license. All violations will be prosecuted in accordance with current law. The license commissioner shall not be personally liable for any bad check.

Section 2. The provisions of this Act are supplemental. It shall be construed in *pari materia* with other laws relating to such matters; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-651

H. 1097—Rep. Patton

AN ACT

Relating to Morgan County; to amend the Title and Section 1 of Act 80-422, 1980 Regular Session (Acts 1980, p. 584), so as to require the mailing address of the grantors and grantees of real property deeds.

Be It Enacted by the Legislature of Alabama:

Section 1. The Title and Section 1 of Act 80-422, 1980 Regular Session (Acts 1980, p. 584), is hereby amended to read as follows:

“An Act Relating to Morgan County; to provide for the mailing addresses of the grantors and grantees to appear on real property deeds recorded in the probate office of such county.

“Be It Enacted by the Legislature of Alabama:

“Section 1. The probate judge of Morgan County shall not receive for record or permit the recording of any real property deed, unless such instrument has endorsed on it a printed, typewritten or stamped statement, stating the mailing address of the grantor or grantee, respectively, or contains a statement of such addresses in the body of the instrument.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-652

H.J.R. 354—Rep. Coburn

HOUSE JOINT RESOLUTION

CREATING A JOINT INTERIM COMMITTEE TO STUDY
UNEMPLOYMENT COMPENSATION LAWS.

WHEREAS, due to the economic crisis, and the present level of funds available in the unemployment compensation fund of the state; and

WHEREAS, the level that must be maintained in such fund is dictated by law; and

WHEREAS, due to the fact that industry and labor in recent years have been unable to agree on changes in unemployment compensation laws; and

WHEREAS, it is absolutely necessary that the legislature investigate the matter and arrive at a solution to carry the state through the pending economic crisis, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Joint Interim Committee to Study Unemployment Compensation Laws.

Said committee shall consist of six member, three to be selected by the Speaker of the House of Representatives and three to be selected by the Lieutenant Governor.

The Clerk of the House and Secretary of the Senate shall furnish the committee with any necessary Clerical assistance and supplies needed by the committee in performing its duties to be paid from funds appropriated to the use of the Legislature. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. The total amount that may be expended by the committee shall not exceed \$9,000.00.

The Joint Interim Committee to Study Unemployment Compensation Laws shall report its findings and recommendations to the Legislature not later than the 10th legislative day of the 1982 Regular Session.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-653

H. 82—Rep. Manley

AN ACT

To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1980 session of the Legislature, with the exception of the Alabama Business Corporation Act (Act No. 80-633, H. 81, 1980 Regular Session), as contained in the 1980 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement.

Be It Enacted by the Legislature of Alabama:

Section 1. The 1980 Cumulative Supplement to the Code of Alabama 1975 containing all general and permanent laws of the State adopted during the 1980 session of the Legislature, with the exception of the Alabama Business Corporation Act (Act No. 80-633, H. 81, 1980 Regular Session), prepared by Michie Bobbs-Merrill, as the Alabama Code Commissioner, which said 1980 Cumulative Supplement is identified and authenticated by the Great Seal of the State of Alabama placed upon the front and back covers of each of the Volumes 3 through 22 thereof, be and the same is hereby adopted and incorporated into the Code of Alabama 1975 as adopted by Act No. 20, H. 100, of the 1977 Regular Session of the Legislature, approved February 15, 1977 (Acts of 1977, p. 28). Provided, however, the following corrections shall be made to said 1980 Cumulative Supplement:

1. § 5-5A-22, Vol. 4, p. 102: At the end of the last line of paragraph a. of subdivision (3), change the colon to a semicolon.
2. § 5-5A-22, Vol. 4, p. 102: At the end of subdivision (4), change the period to a semicolon.
3. § 5-12A-7, Vol. 4, p. 177: On the fourteenth line following the word "estate", insert the following language which was in Act No. 80-658 but was inadvertently omitted: "... and shall be withdrawn within a period of three months following the written request so to do of any person acting with the trust institution administering the estate ..."
4. § 8-16-94, Vol. 6, p. 109: On the second line of subsection (b), change the word "or" to "and".
5. § 9-3-17, Vol. 7, p. 9: On the last line of subsection (d), change the word "cooperating" to "cooperators".
6. § 10-1-3, Vol. 7, p. 83: On the second line from the end of first

paragraph of subdivision (3) of subsection (a), change the word "authorized" to "authorize".

7. § 11-3-20, Vol. 8, p. 10: On the third line, change the word "chairmen" to "chairman".

8. § 11-46-117, Vol. 9, p. 45: At the end of subdivision (1) of subsection (c), change the word "and" to "or".

9. § 11-81-6, Vol. 10, p. 47: On the first line of paragraph a. of subdivision (2), change the word "bonds" to "bond".

10. § 11-81A-2, Vol. 10, p. 53: On the second line of subdivision (5) following the phrase "... or to any public corporation, ...", insert the following language which was in Section 2 of Act No. 80-697 but was inadvertently omitted: "... or to any county or counties in the State or to the State, ...".

11. § 11-81A-6, Vol. 10, p. 54: On the last line change the word "with" to "within".

12. § 11-89A-2, Vol. 10, p. 67: On the second line of subdivision (11), change the word "resources" to "resource".

13. § 11-89A-2, Vol. 10, p. 68: On the first line of subdivision (19) preceding the word "sludge", insert the word "or".

14. § 11-89A-8, Vol. 10, p. 73: On the first line of subdivision (7) of subsection (a), change the term "persons or persons" to read "person or persons".

15. § 11-94-7, Vol. 10, p. 96: On line eleven of subsection (c), remove the brackets which enclose the word "be".

16. § 11-94-9, Vol. 10, p. 97: On line 6 of subdivision (6) of subsection (a), change the term "railroads lines" to read "railroad lines".

17. § 15-18-67, Vol. 12, p. 169: At the end of the first line, change the word "have" to "has".

18. § 16-13-62, Vol. 13, p. 35: On line three, change the word "which" to "within".

19. § 24-1A-4, Vol. 15, p. 62: On the last line of subsection (b), delete the word "a" preceding the word "business".

20. § 25-4-141, Vol. 15, p. 145: It is hereby confirmed that it was the intent of section 6 of enrolled Act No. 80-756 to repeal section 25-4-141 of the Code of Alabama 1975 by striking such section of the Code in its entirety. It was not intended that such section be reenacted. The Code commissioner is therefore instructed to delete the Code commissioner's note appearing under Code section 25-4-141 and

state in lieu thereof that Acts 1980, No. 80-756, § 6, repealed such Code section, effective May 28, 1980.

21. § 32-5A-59, Vol. 17, p. 99: This Code section (Acts 1980, No. 80-434, § 11-110) replaces the prior statute, section 32-5-73 of the Code of Alabama 1975, and such prior statute was repealed by § 15-106 of Act No. 80-434, effective August 17, 1980. The Code commissioner is therefore instructed to make note of the repeal of section 32-5-73.

22. § 32-5A-131, Vol. 17, p. 111: On the second line of subsection (b), change the word "curved" to "curve".

23. § 32-5A-195, Vol. 17, p. 131: On the first line of subdivision (6) of subsection (k), change the word "is" to "if".

24. § 32-5-313, Vol. 17, p. 83: On line seven of the second paragraph, delete the word "of" preceding the numeral "10".

25. § 36-27-48, Vol. 19, p. 82: On line four of subsection (b), change the word "with" preceding the word "system" to "either".

26. § 36-30-2, Vol. 19, p. 87: Delete the last sentence and change the word "three" in the preceding sentence to "ten".

27. § 36-32-7, Vol. 19, p. 92: On line two of subsection (b), insert the following language between the words "physician" and "designated": "as satisfactory by the appointing authority".

It is provided further that the adoption of this act shall not repeal, supersede, amend, or in any other way affect any statute enacted into law during any 1981 session of the Legislature.

Section 2. Upon passage and approval of this act, the duly authenticated 1980 Cumulative Supplement shall be transmitted to the Secretary of State, who, shall file said supplement in that office. Said supplement shall not be removed from the office of the Secretary of State, but the Secretary of State, upon request, under proper certificate and seal of that office, shall certify any part or parts thereof upon payment of the fee specified by law for similar services.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

AN ACT

To amend Section 5 of Act No. 738, S. 533 of the 1980 Regular Session, which act provides for allowable interest surcharge, allowable interest rates or finance charges determined by the prime rate charged by certain banks, and open-end credit plans, so as to change the termination date provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 738, S. 533 of the 1980 Regular Session, is hereby amended to read as follows:

“Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; provided, however, that the provisions of this act shall become null and void June 1, 1983.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 15, 1981

Time: 3:00 P.M.

Act No. 81-655

H. 8—Reps. Bennett, Amari

AN ACT

To authorize peace officers whose arrest powers are otherwise limited to a particular subdivision or subdivisions to make arrests in other subdivisions of this state in fresh pursuit situations; to describe the arrest powers of such officers in fresh pursuit situations; to define “fresh pursuit”; to provide that this Act shall not be construed to limit in any way the arrest powers of any peace officer; and to provide an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be known as the Alabama Fresh Pursuit Act.

Section 2. The authority of any peace officer of this state whose arrest powers are otherwise limited to a political subdivision or subdivisions of this state, shall extend throughout the county and into any adjacent county when the officer is in fresh pursuit of a person or persons to be arrested for a misdemeanor. Such authority shall extend throughout the state when the officer is in fresh pursuit of a person or persons to be arrested for a felony.

Following such pursuit, the arrest powers of the officer in a political subdivision or subdivisions other than his own shall be the same in all respects as the arrest powers the officer has in his own political

subdivision.

Section 3. "Fresh pursuit" as used in this Act does not necessarily mean instant pursuit but it does mean pursuit without unreasonable delay.

Section 4. This Act shall not be construed to restrict or limit in any way other statutory or common law arrest powers that any peace officer of this state has when acting as an officer or as a private citizen.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-656

H. 19—Rep. Albright

AN ACT

To prohibit the levy of an increased amount of alcoholic beverage tax on the increased amount that a "collector's" bottle of liquor as defined by the alcoholic beverage control board or "gift pack" of wine sells for over the amount a regular bottle of the same size and kind of liquor or wine sells for.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby prohibited to levy an increased amount of alcoholic beverage tax on the increased amount that a "collector's" bottle of liquor as defined by the alcoholic beverage control board or "gift pack" of wine sells for over the amount a regular bottle of the same size and kind of liquor or wine sells for.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-657

H. 215—Reps. Shoemaker, Carothers,
Johnson (R.G.)

AN ACT

To authorize the investigators of the State Board of Medical Examiners to enforce the provisions of the Alabama Uniform Controlled Substances Act and to grant to such investigators the powers of peace officers in the performance of their duties.

Be It Enacted by the Legislature of the State of Alabama:

Section 1.

That section 20-2-90 of the Code of Alabama, 1975, be amended to read as follows:

It shall be the duty of the state board of pharmacy and its drug inspectors to enforce all provisions of this chapter. The agents and officers of this department of public safety, the drug and narcotic agents and inspectors of the state board of health, the investigators of the state board of medical examiners, and all peace officers of the state and all prosecuting attorneys are also charged with the enforcement of this chapter. The agents and officers of the department of public safety, the drug inspectors of the state board of pharmacy, the investigators of the state board of medical examiners and the drug and narcotic agents and inspectors of the state board of health shall have the powers of peace officers in the performance of their duties to:

(1) Make arrests without warrant for any offense under this chapter committed in their presence, or if they have probable cause to believe that the person to be arrested has committed or is committing a violation of this chapter which may constitute a felony;

(2) Make seizures of property pursuant to this chapter;

(3) Carry firearms in the performance of their official duties.

Section 2.

Severability. The provisions of this act are severable. If any portion of this act be held unconstitutional or invalid, it shall not affect any portion of this act not in itself unconstitutional or invalid.

Section 3.

Repeal. All laws or parts of laws which conflict with this act or any of its provisions are, to the extent of such conflict hereby repealed.

Section 4.

Effective date. This act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-658

H. 323—Rep. Dixon

AN ACT

To amend section 13A-10-8, Code of Alabama 1975, dealing with the crime of rendering a false alarm of fire or other emergency involving danger to life or property, so as to enlarge the scope of the criminal activity therein proscribed and increase the penalty for such newly proscribed criminal activity.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 13A-10-8, Code of Alabama 1975, is hereby amended to read as follows:

“ § 13A-10-8.

“(a) A person commits the crime of rendering a false alarm if he knowingly causes a false alarm of fire or other emergency involving danger to person or property to be transmitted to or within an official or volunteer fire department or any other governmental agency or to be transmitted to or within a hospital or nursing home or any building housing handicapped or immobile people.

“(b) Rendering a false alarm except a false alarm concerning a hospital or nursing home or other building housing handicapped or immobile people to or within an official or volunteer fire department or any other governmental agency is a Class A misdemeanor. Rendering a false alarm concerning or to or within a hospital or nursing home or any building housing handicapped or immobile people shall be a Class C felony.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-659

H. 373—Rep. Harper (O)

AN ACT

To amend Section 11-41-8, Code of Alabama 1975, as amended, so as to validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama which might be invalid because of any irregularity in the procedure for incorporation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-41-8, Code of Alabama 1975, as amended, is hereby further amended to read as follows:

“§ 11-41-8.

“In all cases heretofore where there has been an attempt to organize the inhabitants of any territory as a municipal corporation under the provisions of this article, as amended, and the judge of probate of the county in which such territory is situated has made an order that the inhabitants of such territory are incorporated as a town or city, as the case may be, pursuant to section 11-41-4, but the attempted incorporation is invalid because of some irregularity in the procedure followed, the incorporation of any municipality so attempted to be organized and with respect to which such order has been made shall be and is hereby validated ab initio in accordance with the description of the territory attempted to be incorporated as the said description is contained in such order or, if the description of the territory attempted to be incorporated is not contained in such order, in accordance with the description of said territory contained in the petition of the electors filed with said judge of probate, notwithstanding any failure to comply with the requirements respecting the signatures to or contents of the petition for incorporation, any irregularities as to publication or posting or any other failure to comply with the procedures set forth in the said article or otherwise required by law; provided, that this section shall not apply to the incorporation of any municipality held to be invalid by a court of competent jurisdiction by judgment entered prior to January 1, 1981, or in any matter where litigation is pending relating to the incorporation of any municipality.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-660

H. 514—Reps. Bedsole, Harper (T),
Clark (W)

AN ACT

To provide that owners of motor vehicles that are leased to other persons shall not be liable for parking violations when the vehicles are not in their possession and provides that said lessors shall notify the clerk of the proper court with the name and address of the lessee.

Be It Enacted by the Legislature of Alabama:

Section 1. The owner of any motor vehicle leased to another shall not be liable for a state, county or municipal traffic or parking violation occurring while said leased vehicle was not in the owner's possession or control, if upon notice of the violation, the owner notifies the clerk of the court in which the case is pending of the name and address of the lessee of the vehicle in the date the violation occurred. Said notice shall be notarized on a form prescribed by the Director of the Administrative Office of Courts. If the owner fails to submit the notice, the court in which the case is heard may take such action as the interests of justice require, including finding the owner of the motor vehicle liable for the violation.

After providing the name and address of the lessee, the owner shall not be required to attend a hearing on the offense, unless notified that the offense occurred through a mechanical failure of the vehicle which resulted from the owner's failure to maintain the vehicle.

The owner of any leased vehicle shall be liable for any violation which was caused by the owner's failure to properly maintain the vehicle. The lessee claiming the violation resulted from the owner's failure to properly maintain the vehicle shall notify the clerk of the court in which the case is pending along with the owner of the vehicle of the claim within seven days after receiving notice of the violation or at least ten days prior to the date the case will be heard by the court, whichever is later.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-661

H. 578—Reps. Crow, Willis, Turner

AN ACT

To amend Section 36-30-20, Code of Alabama 1975, which defines the term state trooper for compensation for death or disability from occupational diseases, so as to include conservation enforcement officers within said definition.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-30-20, Code of Alabama 1975, is hereby amended to read as follows:

“ § 36-30-20. When used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

“(1) CITY. Any municipality of the state, regardless of its population; provided, however, that such term shall not include any municipality in any county having a population in excess of 600,000 according to the last federal decennial census.

“(2) POLICEMAN. A person employed as a policeman or other law enforcement officer by a city.

“(3) STATE TROOPER. State trooper, highway patrolman, crime investigation officer, driver's license examiner or other police officer personnel of the Alabama department of public safety or law enforcement officer employed by the alcoholic beverage control board, those officers of the department of conservation and natural resources designated as conservation enforcement officers.

“(4) POLICEMAN'S OCCUPATIONAL DISEASE. Any condition or impairment of health caused by hypertension, heart disease or respiratory disease.

“(5) DISABILITY. Disability to perform duties as a policeman or state trooper.

“(6) BENEFIT. Any monetary allowance payable by a city or from a pension system established for the policemen of a city or, in the case of a state trooper, from the state employees' retirement system to a policeman or state trooper on account of his disability or to his dependents on account of his death, irrespective of whether the same is payable under a pension law of the state or under some other law of the state.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-662

H. 810—Rep. Waggoner

AN ACT

Relating to privilege or license taxes on mortgages, deeds of trust, contracts of conditional sale or other instruments of like character received for record or for filing: To amend Section 40-22-2, Code of Alabama 1975, which provides for the payment of privilege or license taxes for recording or filing of mortgages, deeds of trust, contracts of conditional sale and other instruments of like character so as to provide an alternative procedure for the recording of instruments securing open end or revolving indebtedness with any interest in residential property, and to provide that such privilege or license taxes shall be based upon the maximum principal indebtedness to be secured by such instrument at any time as stated in such instrument or any amendment thereto, irrespective of the cumulative amount advanced from time to time thereunder.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-22-2, Code of Alabama 1975, is hereby amended to read as follows:

“ § 40-22-2. No mortgage, deed of trust, contract of conditional sale or other instrument of like character which is given to secure the payment of any debt which conveys any real or personal property situated within this state or any interest therein or any security agreement or financing statement provided for by the Uniform Commercial Code, except a security agreement or a financing statement relating solely to security interests in accounts, contract rights or general intangibles, as such terms are defined in the Uniform Commercial Code, shall be received for record or for filing in the office of any probate judge of this state unless the following privilege or license taxes shall have been paid upon such instrument before the same shall be received for record or for filing:

“(1) a. Upon all such instruments which are executed to secure or to evidence the securing of an initial indebtedness which shall not exceed \$100.00, there shall be paid the sum of \$.15, and upon all instruments which shall be executed to secure or to evidence the securing of an initial indebtedness of more than \$100.00, there shall be paid the sum of \$.15 for each \$100.00 of such initial indebtedness or fraction thereof.

“b. Upon all such instruments which are executed to secure or to evidence the securing of an open end or revolving indebtedness with any interest in residential property, at the option of the person offering the instrument for record or for filing, (i) there shall be paid the sum of \$.15 for each \$100.00 of such initial indebtedness or fraction thereof and the procedures set forth in paragraphs 2a, 2b and 2c of

this section shall be applicable; or, in lieu thereof, (ii) there shall be paid the sum of \$.15 for each \$100.00 of maximum principal indebtedness, or fraction thereof, to be secured by such instrument at any one time as stated in the instrument or any amendment thereto. In any event, the privilege or license tax to be paid upon such instruments securing or evidencing the securing of open end or revolving indebtedness with any interest in residential property shall not exceed the amount of \$.15 for each \$100.00 of maximum principal indebtedness, or fraction thereof, to be secured by such instrument at any one time as stated in the instrument or any amendment thereto, irrespective of the cumulative amount advanced from time to time thereunder.

“(2) a. Except as provided in paragraphs (1) b of this section, if any part of the indebtedness which the mortgagor or debtor in any instrument conveying any real property situated within this state, or any interest therein, other than fixtures under the Uniform Commercial Code, is authorized to incur under the terms of the instrument has not been or will not be presently incurred at the time such instrument is offered for record, the tax shall be paid on the amount of indebtedness presently incurred, and the department of revenue, upon the petition of the owner of any such instrument or upon the petition of the agent or attorney of such owner, shall ascertain to its own satisfaction the amount then taxable and the amount to be incurred thereafter and determine the amount upon which the tax shall be paid at the time such instrument is offered and shall endorse its findings on such instrument. Upon the presentation of such instrument with such endorsement thereon, the probate judge of any county in which the instrument is offered, upon the payment of the tax upon the amount so ascertained by the department of revenue and the recording fees of the probate judge, shall accept the same for record. The department of revenue shall also require the owner of such instrument to execute a bond in an amount sufficient to secure to the state the privilege tax to become due and payable under this section upon the amount of the indebtedness to be incurred thereafter, such bond to be approved by the department of revenue and payable to the state of Alabama and conditioned that the owner of such instrument will promptly report to said department of revenue and to the probate judge of the county where said instrument is first filed for record, whenever such owner or his successor in interest incurs any additional indebtedness thereunder, and the amount so incurred; and that the said owner of such instrument will pay or cause to be paid to the probate judge of the county in which said instrument is first filed the privilege or license tax required under this section upon the accrual of any additional indebtedness, and the said owner of such instrument will report to the said probate judge and the department

of revenue during the month of September of each year the amount of all indebtedness and all bonds, debentures, notes or other forms of indebtedness incurred or certified and delivered under said instrument to such date, and the amount so certified and delivered during the preceding 12 months, and the aggregate of all such evidence of indebtedness certified and delivered under such instrument prior to such year. The bond executed to secure payment of the tax herein required shall cover a term of five years; and, after the expiration of said term of five years, the owner of the instrument offered for record shall execute such further bond as may be required by the department of revenue covering the succeeding term of five years, and thereafter every term of five years, in the same manner so long as any of the indebtedness authorized to be incurred by such instrument has not been incurred with like condition and in such sum as the said department may prescribe.

“b. Notwithstanding the provisions of paragraph a of this subdivision, any bank, savings and loan association, insurance company or other financial institution organized and established under the laws of the state of Alabama or the United States which is the owner of such instrument, in lieu of the foregoing procedures, may certify the amount of indebtedness presently incurred, and the probate judge of any county in which the instrument is offered, upon payment of the tax upon the amount so certified and the recording fees of the said probate judge, shall accept said instrument for record. During the month of September of each year, any such bank, savings and loan association, insurance company or other financial institution which has recorded such instruments as described hereinabove shall report to the appropriate probate judge the amount of additional indebtedness incurred under said instrument and pay any tax required upon the additional indebtedness.

“c. Each probate judge will forward to the state banking department by the end of October a statement showing the amounts certified to him by each forenamed organization. The state banking department will then have the authority to make unannounced audits on any organization electing to use this system of reporting indebtedness. Any organization which is found to have willfully certified less than the true amount it should have certified will be required to pay a fine equal to three times the amount of tax due on the amount of indebtedness not certified to the probate judge. This fine will be paid into the general fund of Alabama. In addition, any organization so fined must pay an auditing fee in accordance with established banking department audit fees into the funds of the state banking department.

“(3) When any deed is filed for record which recites that part

of the purchase money is unpaid, such deed to the extent of such unpaid balance shall be held and treated as a mortgage, and the mortgage tax shall be collected by the probate judge in addition to the tax for recording the instrument as a deed before recording the same, unless said balance of purchase money shall be secured by mortgage or deed of trust which has already been filed for record, and the tax thereon paid, and the fact of such prior payment shall be endorsed on the deed. When any such deed is recorded and the tax thereon is paid, and thereafter a mortgage securing the debt is filed for record, the same shall be admitted to record without the payment of the mortgage tax and the fact of such prior payment shall be endorsed on the deed.

“(4) The privilege taxes herein imposed shall not be required on or for the filing of any such instrument, providing additional or substitute security for any indebtedness secured by, or the securing of which is evidenced by, an instrument previously filed, upon the filing of which the taxes provided by law have been paid or which was filed at a time when no such privilege taxes were required by law; provided, that the secured indebtedness remains unchanged in amount and in time of maturity.

“(5) Upon the filing for record of such instrument and upon the payment of the tax thereon, the probate judge or his clerk shall certify on said instrument the fact that the said tax has been paid, and when so certified by the probate judge or his clerk, such instrument shall be admitted to record in any county wherein any of the property mentioned in said instrument is situated without the payment of any further tax thereon, except the fee to the probate judge for recording such instrument, and such certificate of the probate judge shall be recorded by such probate judge when such instrument is recorded. Upon the filing for record of any instrument which has been exempted by law from the payment of the tax provided for in this section, the probate judge shall certify thereon that no tax has been paid and shall stamp in bold letters on the face of said instrument “No Tax Collected,” and said certificate shall be recorded with and as a part of such instrument, and thereafter such instrument shall be received for record in any county in this state without the payment of any further tax thereon, when submitted by a tax-exempt institution, but if submitted by or transferred to an institution or person not exempt from the payment of the tax levied under this section, the probate judge shall collect the tax levied by this section upon the then unpaid balance of the secured debt together with the fee of the probate judge for recording such instrument before it will be admitted to record. The tax herein provided for shall be paid upon all contracts for the sale of real or personal property, whether the same are in the nature of a conditional sale or a bond for title, and no such contract shall

be received for record until such tax shall have been paid.

“(6) When the time for the payment of the indebtedness secured by, or the securing of which is evidenced by, any such instrument is extended or renewed, and the extension or renewal contract is offered for filing or for record, the tax required in this section shall be paid on the amount of indebtedness so extended or renewed; and the same shall be governed in all respects by the provisions of this article. No state, county or municipal ad valorem tax shall be payable on any such instrument upon which the tax prescribed by this section shall have been paid, on the debt secured or evidenced thereby or on the security agreement evidenced thereby.

“(7) Of the taxes collected by the probate judge under this section there shall be paid to the county treasurer of the county in which such taxes are collected one third of the amount collected by him, to be accounted for by him, and the remaining two thirds of said amount collected to the state treasury. The probate judge shall receive five percent of the amount collected by him as compensation for his services in collecting said money and certifying said instrument, said five percent to be retained by him out of the money collected by him under this section; but when the property described in said instrument is situated within different counties within this state, then the probate judge who collects said taxes shall pay over to the county treasurer of each of the different counties in which said property is situated an amount of said taxes that would be in proportion to the value of the property therein as compared to the whole property within this state described in said instrument.

“(8) If any part of the property embraced or described in any instrument which is required under this section to pay a record privilege tax is located without this state, the indebtedness upon which the tax shall be paid for the privilege of recording such instrument shall be that proportion of the indebtedness secured by the instrument which the value of the property located in this state bears to the whole property described in said instrument. The department of revenue may ascertain the value of the whole property and of that part of it which is located within this state for the purpose of ascertaining the amount of the indebtedness upon which said tax shall be paid, and the value of that part of the property located within this state and the amount of the indebtedness upon which such tax shall be paid shall be ascertained in the following manner: First, the owner of any such instrument or his agent or attorney may petition the department of revenue to ascertain the value of the whole property and of that part of which is located within this state and the amount of the indebtedness upon which such tax shall be paid, and the department of revenue, after hearing such evidence as may be offered

or as may be before it, shall fix and determine the value of that part of the property located within this state and the amount of the indebtedness upon which the tax shall be paid and shall endorse its findings on such instrument, and upon the presentation of said instrument, with such endorsements to the probate judge of the county in which any part of the property is located, such instrument shall be accepted for record upon the payment of the tax upon the amount of such indebtedness as so ascertained by said department of revenue and of the recording fees of the probate judge; or, second, the owner of any such instrument or his agent or attorney may have such instrument recorded by paying to the probate judge of the county in which the instrument is offered for record the privilege tax on the entire amount of the indebtedness secured by such instrument, and may thereupon present his petition to the department of revenue within 30 days after such instrument is recorded, and it shall be the duty of said department of revenue to ascertain the value of the whole property and of that part of it located within this state, and to fix and determine the amount of the indebtedness upon which the tax shall be paid, and said department shall thereupon ascertain such valuation and fix and determine such indebtedness and shall order the probate judge to refund the excess of privilege tax collected by him, and the probate judge shall comply with such order; and the tax paid upon the entire amount of such indebtedness shall be held by the probate judge until the department of revenue determines the amount of the indebtedness upon which such tax shall be paid.

“(9) Any probate judge who shall file for record or shall receive any such instrument for record or for filing, without collecting the recording or registration tax provided for the filing, recording or registration of such instrument, or who shall fail to certify the fact that such tax has been paid before filing such instrument shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$10.00 nor more than \$1,000.00.

“(10) Every petition filed with the department of revenue to ascertain the amount of the mortgage tax due to be paid under this section shall, when the property conveyed in the instrument offered for record is located in more than one county of the state, show the value of the property conveyed in each county in which the instrument is to be recorded.

“(11) Any probate judge who fails to keep the abstract of mortgages or other instruments intended to secure the payment of moneys which are filed in his office for filing or for record, as he is required by law to keep, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$10.00 nor more than \$500.00.”

Section 2. The provisions of this Act are severable. If any part

of this Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 3. All laws or parts of law in conflict herewith, including, but not limited to, Section 40-22-2, Code of Alabama 1975, are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-663

H. 43—Rep. Biddle

AN ACT

To specifically exempt certain drugs from any state gross sales taxes; to define such drugs.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any and all items exempt from gross sales tax, certain drugs, as herein defined, shall be exempt from state gross sales taxes as defined in Section 40-23-2 of the Code of Alabama 1975.

Section 2. The terms herein shall have the meanings ascribed to them as follows:

Drugs shall include any medicine prescribed by physicians when the prescription is filled by a licensed pharmacist, or sold to the patient by the physician, for human consumption or intake.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective July 1, 1981.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-664

H. 63—Rep. Letson

AN ACT

To amend Section 2-22-9, Code of Alabama 1975, relating to the collection of inspection fees for commercial fertilizer; to allow the State Board of Agriculture and Industries to set the inspection fee at an amount no greater than \$.50 per ton.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2-22-9, Code of Alabama 1975, is hereby amended to read as follows:

“§ 2-22-9. Filing of tonnage reports and payment of inspection fees by persons selling commercial fertilizers generally; collection fee; refunding of fees improperly or illegally collected; examination, review, etc., of sales records of persons required to pay inspection fees by commissioner, etc.

(a) There shall be paid to the commissioner for all commercial fertilizer sold in this state for use therein or sold for importation into this state for use therein an inspection fee at the rate of no more than \$.50 per ton; provided, that sales to manufacturers or exchanges between them are hereby exempted. The exact amount of the per ton inspection fee shall be fixed by the Board. The fees in effect prior to the effective date of this Act shall remain in effect until changed by the Board. Fees so collected, including permit fees and license fees levied under sections 2-22-4 and 2-22-5, shall be deposited to the credit of the agricultural fund of the state treasury for the regulatory duties of the department of agriculture and industries.

Inspection fees collected over and above the fees in effect prior to the effective date of this act shall be limited to expenditures incurred in sampling, analyzing, and other expenses incurred by the Department in administering the Alabama Fertilizer Law.

(b) Every person who sells commercial fertilizer in or for importation into this state for use therein where such person is licensed under section 2-22-5 or where such person is required to procure such a license shall file with the commissioner on forms furnished by him a monthly statement for the period ending on the last day of each month setting forth thereon the number of tons of each grade of commercial fertilizer sold in or for importation into this state for use therein during such month. Such person shall also include on such report any information of the type required by section 2-22-10 when required to do so pursuant to rules and regulations promulgated by the commissioner with approval of the board. The monthly report of tonnage sales with the amount of inspection fees due thereon shall be due on or before the fifteenth day of the month following the report period. Each such report shall bear a certificate that the amount

remitted is correct.

If the tonnage report as required by this section is not filed and the payment of inspection fee is not made by the twentieth day of the month when due, a collection fee amounting to 10 per cent (minimum \$10.00) of the amount may be assessed against the licensee, and the amount of fees due and unpaid shall constitute a debt and become the basis of a judgment against the licensee.

(c) When more than one person is involved in the sale, importation or distribution of a commercial fertilizer, the person who sells the fertilizer to a nonlicensee for resale or use shall be responsible for reporting the tonnage and paying the inspection fee, unless the report and payment was previously made by another licensee.

(d) The inspection fee levied under subsection (a) of this section, the permit fee required by section 2-22-4 and the license fee levied under section 2-22-5 shall be paid by cooperative marketing and purchasing association, and the exemptions allowed such organizations pursuant to section 2-10-105 or any other exemption statute shall not relieve such associations from the payment of such fees.

(e) Amounts improperly or illegally collected under the provisions of this chapter as overpayments may be refunded to the person entitled thereto in accordance with section 2-1-6.

(f) The commissioner, his agents or employees shall have the right to examine, review and audit the sales records of every person required to remit to the commissioner the inspection fee levied under subsection (a) of this section to verify and determine the accuracy of the amounts remitted monthly as inspection fees and the amount due for a license as required by section 2-22-5. Every such person shall maintain records as will indicate accurately the tonnage of commercial fertilizer upon which inspection fees are due."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-665

H. 327—Reps. Biddle, Sasser

AN ACT

To provide for the levy of a sales tax on the sale of any automotive vehicle, truck

trailer, semitrailer, or house trailer required to be registered or licensed with the judge of probate or other licensing authority of any county in this state and purchased other than at wholesale in this state from any person, firm, or corporation not a licensed dealer engaged in selling automotive vehicles, truck trailers, semitrailers, or house trailers within the state; to provide that the tax collector collect the tax from the purchaser before the registration or licensing of any such automotive vehicle, truck trailer, semitrailer, or house trailer; to provide for the levy of an excise or use tax in lieu of the excise tax levied by Section 40-23-61 (c), Code of Alabama, 1975, as amended on the storage, use, or other consumption in the state of any automotive vehicle, truck trailer, semitrailer, or house trailer required to be registered or licensed with the judge of probate or other licensing authority of any county in this state and purchased other than at wholesale outside the state on or after July 1, 1981 for storage, use or other consumption in this state; to require the tax collector to collect such tax from the purchaser before the registration or licensing of any such automotive vehicle, truck trailer, semitrailer, or house trailer in this state; to provide for the allowance of a fee on taxes collected to the tax collector; to provide for the distribution of the tax collected; to require the license commissioner to collect the tax in counties where such office has been established pursuant to a local law or general law of local application; and to provide for reciprocity.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. As used in this Act, unless the context otherwise requires, the term:

(a) "Judge of probate" means the judge of probate or other licensing authority in a county.

(b) "Tax collector" means the tax collector or other county official required by law to fulfill the duties of the tax collector in a county.

Section 2. There is hereby levied and shall be collected as herein provided a sales tax on the sale of any automotive vehicle, truck trailer, semitrailer, and house trailer required to be registered or licensed with the judge of probate of any county in this state and purchased other than at wholesale in this state from any person, firm, or corporation which is not a licensed dealer engaged in selling automotive vehicles, truck trailers, semitrailers, or house trailers, as follows:

(a) Commencing on and after July 1, 1981, upon every person, firm, or corporation purchasing other than at wholesale within this state, any automotive vehicle, truck trailer, semitrailer or house trailer required to be registered or licensed with the judge of probate of any county in this state from any person, firm or corporation which is not a licensed dealer engaged in selling automotive vehicles, truck trailers, semitrailers or house trailers an amount equal to 1-1/2% of the purchase price.

Section 3. There is hereby levied and shall be collected as herein provided in lieu of the excise tax levied by Section 40-23-61 (c), Code of Alabama, 1975, as amended, an excise or use tax on the

storage, use, or other consumption in the state of any automotive vehicle, truck trailer, semitrailer or house trailer required to be registered or licensed with the judge of probate of any county in this state and purchased other than at wholesale outside the state on or after July 1, 1981 for storage, use, or other consumption in this state as follows:

(a) Commencing on and after July 1, 1981 upon every person, firm, or corporation purchasing other than at wholesale outside the state any automotive vehicle, truck trailer, semitrailer or house trailer required to be registered or licensed with the judge of probate of any county in this state for use, storage, or other consumption within this state there is levied in lieu of the excise tax levied by Section 40-23-61 (c), Code of Alabama, 1975, as amended, a tax in an amount equal to 1-1/2% of the purchase price.

Section 4. Where any used automotive vehicle, truck trailer, semitrailer or house trailer is taken in trade or in a series of trades as a credit or part payment on the sale of a new or used automotive vehicle, truck trailer, semitrailer or house trailer, the tax levied in this act shall be paid on the net difference, that is, the price of the new or used vehicle or trailer sold less the credit for the used vehicle or trailer taken in trade.

Section 5. The tax levied by this act shall be collected by the tax collector before the registration of or licensing of any such automotive vehicle, truck trailer, semitrailer or house trailer by the judge of probate.

(a) The tax collector shall require, as proof of the purchase price of the vehicle or trailer, the presentment of a sworn report by the purchaser reflecting such purchase price on a form to be provided by the Department of Revenue accompanied by a properly executed bill of sale or other satisfactory evidence prescribed by the Department of Revenue.

(b) In lieu of the requirements contained in subsection (a) of this section, the purchaser may stipulate to the tax collector that the purchase price of the automotive vehicle, truck trailer, semitrailer or house trailer to be taxed is equivalent to a standard value for the year, make and model established by the Department of Revenue for the taxable item. The purchase price so stipulated shall be conclusively presumed to be the purchase price of such item for all purposes under this act.

(c) Before the registration of or licensing of any such automotive vehicle, truck trailer, semitrailer or house trailer, the judge of probate shall require proof of payment of the tax levied under this act as he deems to be necessary and proper.

Section 6. Except as herein otherwise provided, the tax herein levied shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments, deductions, and discounts in accordance with the provisions of Act No. 100 adopted at the Second Extraordinary Session of 1959 of the Legislature of Alabama, as amended.

Section 7. If a sales or use tax equal to or in excess of the amount of the tax imposed by this act is paid to another state under a requirement of its law, the automotive vehicle, truck trailer, semitrailer, or house trailer which is the subject of such tax when it is imported for use, storage, or consumption in this state shall not be subject to the use tax, imposed by this act. If the amount of such tax paid to another state is less than that imposed by this act, then the difference shall be paid. However, no credit shall be allowed for taxes paid on any automotive vehicles, truck trailers, semitrailers or house trailers in any other state which does not extend credit for taxes paid on similar property in Alabama. The tax collector shall require such proof of payment of tax in another state as he deems necessary and proper.

Section 8. For making the collection of taxes levied under authority of this act, the tax collector shall be entitled to a fee in an amount equal to 5% of the first \$100.00 of revenue collected and 2% of all revenue collected over \$100.00 under this act each month, such fee shall be for the use of the tax collector. The fee allowed herein shall be deducted from the tax collections each month and the remainder of such collections shall be remitted to the Department of Revenue; provided, however, such fee shall be disallowed unless such collections are remitted to the Department of Revenue within the time allowed by law. In all counties where the tax collector is paid on a salary instead of a fee basis all fees allowed under the terms of this section to be paid to the tax collector shall be paid, by said tax collector, into the county treasury, or to the official performing the duties of county treasurer.

Section 9. The tax collector shall after the deduction of the fee as herein provided, remit the revenue collected hereunder to the Department of Revenue for deposit to the credit of the Alabama Special Education Trust Fund.

Section 10. All other provisions of this act to the contrary notwithstanding, in any county in which the office of license commissioner has been established pursuant to a local law or general law of local application, such license commissioner shall fulfill all duties and requirements imposed upon the tax collector by this act. In such counties the tax collector is hereby relieved of all duties required under the provisions of this act. In those counties where the provisions

of this section shall be applicable, any fees allowed for the collection of taxes under this act shall be deducted from the tax collections by the license commissioner and paid by the license commissioner into the county treasury, or to the official performing the duties of county treasurer. For the purposes of this section only, the term tax collector shall mean the "tax collector in such county" and shall not include any "other county official required by law to fulfill the duties of the tax collector" as specified in section 1 of this act.

Section 11. Any person failing to pay the tax levied under the provisions of this act shall be guilty of a Class C misdemeanor and upon conviction thereof, be punished as prescribed by law for such offense.

Section 12. Act No. 477, adopted at the 1980 regular session of the Legislature of Alabama and all other laws or parts of laws which conflict with this act are repealed.

Section 13. The provisions of this act are severable. If any part of the act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 14. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-666

H. 372—Rep. Smith (J)

AN ACT

To provide that, with respect to the sale of certain livestock, there shall be no implied warranty that such livestock are free from disease, provided that all federal and state statutory and regulatory requirements are complied with concerning the inspection and disease control of such livestock.

Be It Enacted by the Legislature of Alabama:

Section 1. With respect to the sale of cattle, swine, sheep, goats, horses, mules and asses, there shall be no implied warranty that such livestock are free from disease provided that all existing or future federal and state statutory and regulatory requirements have been complied with concerning the inspection and disease prevention and control on such livestock.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration

shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-667

H. 842—Reps. Kelley, Roberts

AN ACT

To amend Section 36-22-16 of the Code of Alabama, 1975, to provide for the compensation of the sheriffs of the several counties in this state.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-22-16 of the Code of Alabama, 1975, is hereby amended to read as follows:

“§ 36-22-16 COMPENSATION.

“(a) Sheriffs of the several counties in this state shall be compensated for their services by an annual salary payable in equal installments out of the county treasury as the salaries of other county employees are paid. The annual salary of the sheriff shall be \$25,000.00 commencing with the next term of office, unless a higher salary is specifically provided for by law by general or local act hereafter enacted.

“(b) Such salary shall be in lieu of all fees, compensation, allowance, percentages, charges and costs, except as otherwise provided by law. The sheriff and his deputies shall, however, be entitled to collect and retain such mileage and expense allowance as may be payable according to law for returning or transferring prisoners and insane persons to or from points outside the county.”

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-668

H.J.R. 360—Reps. Naramore, Adams (C),
Adams (H), Albright, Amari,
Barton, Bedsole, Bennett, Biddle,
Blake, Boles, Bowling, Brakefield,
Buskey, Cabaniss, Campbell,
Carothers, Carter, Cates,
Cheatwood, Clark (G), Clark (W),
Cobb, Coburn, Cooley, Cosby,
Crow, Daniels, Dial, Dixon,
Drinkard, Edwards, Escott, Ford,
Gafford, Gilmer, Goodwin, Greer,
Gregg, Grimsley, Grouby, Hall,
Hammett, Harper (O), Harper (T),
Harrison, Harvey, Hines, Holley,
Holmes, Horn, Howard, Jackson,
Johnson (R. G.), Johnson (Roy),
Kelley, Kennedy, Laird, Langford,
Letson, Lewis, McCorquodale,
McKee, McMillan, Manley,
Minus, Mitchell, Moore, Nevett,
Olive, Owens, Parker, Patton,
Payne, Pegues, Penry, Rains, Ray,
Reed, Riddick, Roberts, Sandusky,
Sasser, Seibels, Shavers,
Shoemaker, Smith (C), Smith (J),
Smith (M), Starkey, Stewart,
Stout, Trammell, Tucker, Turner,
Turnham, Venable, Waggoner,
Ward, Warren, Whatley,
Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. OSCAR DOBBS.

WHEREAS, it is with great sadness that this body notes the death of Mr. Oscar Dobbs; and

WHEREAS, Mr. Dobbs was a former member of the Alabama House of Representatives, and was a dedicated public servant of his

community; and

WHEREAS, Mr. Dobbs served his fellowman as a member and officer of the Lions Club, as an elder in the Argo Church of Christ and in other humanitarian endeavors; and

WHEREAS, Oscar Dobbs lead an industrious life, working as a railroad employee, operating a self-owned cafe and founding and managing a hunting club; and

WHEREAS, Mr. Oscar Dobbs was a devoted community builder who served his people with great love and dedication; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of Mr. Oscar Dobbs, a prominent citizen and a distinguished Alabamian.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Winnie Q. Dobbs so that she may know of our shared sorrow.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-669

H.J.R. 362—Rep. Owens

HOUSE JOINT RESOLUTION

COMMENDING THE "LIVE IN A LANDMARK" COUNCIL AND PROVIDING FURTHER FOR ITS MEMBERSHIP.

WHEREAS, it is the intent of the Legislature to incorporate by reference the provisions of Act No. 1233, Regular Session 1973, Act No. 205, Third Special Session 1975, and Act No. 823, Regular Session 1978, which established and provided for the state "Live in a Landmark" Council; and

WHEREAS, we commend the "Live in a Landmark" Council for continuing to do good work rehabilitating and revitalizing Alabama's older and historic neighborhoods, communities and rural landmarks; and

WHEREAS, there is a demonstrated need to establish a board of directors composed of the duly appointed "Live in a Landmark" Council members to guide a growing statewide "Live in a Landmark" program; and

WHEREAS, every region of Alabama has hundreds of residents living in older neighborhoods and communities where regional councils with officers and board members elected by local membership would well serve the interests of the state; and

WHEREAS, the Alabama Register of Landmarks and Heritage has become the official record of registered residential landmarks in the state; and

WHEREAS, technical manuals and materials greatly assist those who are beginning restoration, and the prestigious "Live in a Landmark" plaques add distinctive charm to restored homes which appeal to tourists and residents alike; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we desire to continue a state "Live in a Landmark" Council to work with the Alabama Historical Commission to promote the preservation, restoration, stabilization, adaptation and rehabilitation of separate and clustered domestic landmarks throughout the state by encouraging Alabamians to restore and live in these landmarks.

The members of the State Council shall be appointed by the Governor from lists of three nominees for each position submitted to the Governor by the Alabama Historical Commission. One member will be appointed from each Congressional District and three members will be appointed from the state at large. The Commission's Executive Director will serve as ex officio member of the Council. The Commission may nominate either individuals or husband and wife units and the Governor may appoint the same. Members shall appoint a chairman whose term shall be two years. Eight additional members shall be named to serve for four-year terms and said new members shall be chosen to represent each of the following areas, viz: Anniston-Talladega; Eufaula; Birmingham; Montgomery; Northeastern Alabama; Tuscaloosa; Demopolis-Greensboro-Marion; and Decatur-Athens. The eight additional members chosen may succeed themselves at the expiration of their initial four-year term.

Members will serve terms of four (4) years each or until successors are appointed. All members of the Council will automatically serve as members of the Board of Advisors of the Alabama Historical Commission. Members of the Council will serve without compensation and will meet at least once a year at the time of the Annual Meeting of the Alabama Historical Commission.

The State "Live in a Landmark" Council is charged, in cooperation with and under the Alabama Historical Commission, to organize local, regional and area councils which will promote and encourage Alabamians to restore and live in Landmarks.

BE IT FURTHER RESOLVED, That the duly appointed "Live in a Landmark" Council members be named as the Board of Directors; that state and regional Councils be authorized to elect officers and select board members; and that the "Live in a Landmark" Council be encouraged to accept memberships in every county in Alabama.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-670

H.J.R. 363—Reps. Owens, Smith (C)

HOUSE JOINT RESOLUTION

DESIGNATING "THE BRIGHTHOPE OUTDOOR PLAY" AS THE OFFICIAL ALABAMA HISTORICAL OUTDOOR DRAMA.

WHEREAS, "The Brighthope Outdoor Play" is the story of the birth of the coal and iron industry in Alabama; and

WHEREAS, this play preserves the heritage of Alabama's early industrial pioneers; and

WHEREAS, this play takes place at the Brierfield Ironworks Park; and

WHEREAS, this play has run continually since 1978 and has been seen by thousands of Alabamians; and

WHEREAS, this play is produced by the staff at Brierfield Ironworks Park and offers professional employment to aspiring young Alabama actors and actresses; and

WHEREAS, "The Brighthope Outdoor Play" is the only outdoor historical drama in Alabama and is one of forty outdoor dramas throughout the United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate "The Brighthope Outdoor Play" as the official Alabama Historical Outdoor Drama.

BE IT FURTHER RESOLVED, That the Clerk of the House of Representatives send a copy of this resolution to the Director of the Brierfield Ironworks Park.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-671

H.J.R. 365—Rep. Dial

HOUSE JOINT RESOLUTION

TO AMEND ACT 80-771, S.J.R. 239, CREATING A JOINT LEGISLATIVE COMMITTEE ON APPORTIONMENT ACCORDING TO THE 1980 UNITED STATES CENSUS, SO AS TO INCREASE THE MEMBERSHIP ON SAID COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act 80-771, S.J.R. 239, 1980 Regular Session is hereby amended to read as follows, viz:

“WHEREAS, the United States Government will all too soon complete the 1980 Census; and

WHEREAS, as a result of this 1980 Census, there is no longer any necessity for Act No. 340, H.J.R. 88, 3rd Special Session 1971 (Acts 1971, p. 4652), which 10 years ago created a joint interim committee for the purpose of this resolution. Therefore, said Act No. 340 is hereby specifically repealed; and

WHEREAS, as a result of this 1980 Census, there may exist a reapportionment problem in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee on reapportionment to consist of eighteen members as follows: one member of the House of Representatives from each Congressional District, the chairman or vice-chairman of the House Judiciary Committee and one member of the House of Representatives at large to be appointed by the Speaker of the House and one member of the Senate from each Congressional District, the chairman or vice-chairman of the Senate Judiciary Committee and one member of the Senate at large, to be appointed by the Lieutenant Governor. This committee shall make a continuous study of the reapportionment problem in Alabama seeking solutions thereto. It shall make such reports of its investigations, findings and recommendations to the legislature at any time during any regular or special session of the legislature as it may deem necessary or desirable. Each member of the committee hereby created shall be entitled to his usual legislative pay, travel expenses and per diem for each day he spends in attending such committee meetings. This committee will have no authority after December, 1981.

BE IT FURTHER RESOLVED, That the committee shall have authority to employ all necessary staff to perform the functions of this committee and employees of the committee shall be paid out of

any funds appropriated for the use of the legislature.”

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-672

H.J.R. 369— Reps. Penry, McMillan, Zoghby, Bedsole, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt

HOUSE JOINT RESOLUTION

COMMENDING JAMES E. SMITH ON HIS OUTSTANDING DRIVING RECORD AS AN EIGHTEEN-WHEEL TRUCK DRIVER.

WHEREAS, Mr. James E. Smith has accomplished an outstand-

ing feat in driving an eighteen-wheeler truck more than three million miles without a preventable accident, something that no other eighteen-wheel truck driver in this part of the country has accomplished; and

WHEREAS, Mr. Smith accomplished this feat while an over-the-road truck driver with the Lerio Corporation for 38 years; and

WHEREAS, he was presented with an award by the Hertz Corporation of Mobile for his three million miles of safe driving; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do compliment and commend Mr. James E. Smith of Daphne, Alabama, for his outstanding achievement in driving three million miles without a preventable accident and do recommend that other drivers try to emulate Mr. Smith.

BE IT FURTHER RESOLVED, That the Clerk of the House send Mr. Smith a copy of this resolution as a token of our esteem.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-673

H.J.R. 377—Rep. Venable

HOUSE JOINT RESOLUTION

PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1981 REGULAR SESSION OF THE LEGISLATURE WHEN A DATE IS NOT OTHERWISE SPECIFIED.

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That an election upon all constitutional amendments proposed by an act of the 1981 Regular Session of the Alabama Legislature is ordered to be held not less than three months after final adjournment of the said 1981 Regular Session, on November 2, 1982, unless the original act proposing the constitutional amendment sets the date to coincide with another state-wide primary, general or special election held not earlier than after the expiration of three months from date of final adjournment of the 1981 Regular Session.

BE IT FURTHER RESOLVED, That when an act proposes an

election on a constitutional amendment at one of several elections, the Governor and Secretary of State shall consult with the primary sponsor of the act before setting an election on said amendment.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-674

H. 39—Rep. Harvey

AN ACT

To amend section 17-6-13 of the Code of Alabama 1975 relating to compensation of election officers, so as to increase such compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 17-6-13 of the Code of Alabama 1975 is hereby amended to read as follows:

“ §17-6-13. The returning officer and the inspectors and clerks shall each be entitled to \$25.00 and the returning officer, in addition, to \$.25 a mile in going to the courthouse and returning to the place of holding the election; the several claims shall be paid as preferred claims, out of moneys in the county treasury not otherwise appropriated, on proper proof of service rendered. However, in all counties in which the compensation of election officials is prescribed by local law or general law of local application at an amount in excess of the amount hereinabove prescribed, the compensation of such election officials shall not be increased or decreased hereby, but in those counties in which election officials' compensation is set at an amount in excess of \$5.00 per day, but not as much as \$25.00 per day, the provision of the local law or general law of local application relative thereto is hereby superseded and the compensation hereinabove prescribed shall be the total compensation of election officials in such counties.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-675

H. 222—Rep. Clark (G)

AN ACT

To amend the title, Section 1 and Section 3 of Act No. 80-635, H. 242, Regular Session 1980 (Acts of Alabama 1980, p. _____) providing for the establishment of a fee to be collected from the proceeds of all judicial sales; and to provide for the distribution of said fees, so as to provide that the provisions of said Act shall only apply to judicial sales originating in the district and circuit courts of this state and shall not apply to judicial sales originating in the probate courts of this state.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 80-635, H. 242, Regular Session 1980 (Acts of Alabama 1980, p. _____) is hereby amended to read as follows:

“An Act to provide for the establishment of a fee to be collected from the proceeds of all judicial sales in any district or circuit court in this state; to provide for the distribution of said fees; and to provide that the provisions of this Act shall not apply to judicial sales in the probate courts of this state.”

Section 2. Section 1 and Section 3 of Act No. 80-635, H. 242, 1980 Regular Session (Acts of Alabama 1980, p. _____) are hereby amended to read as follows:

“Section 1. The following fees shall be collected from the proceeds derived from any judicial sale in any district or circuit court in this state: for the first three hundred dollars, two percent; from all over three hundred dollars, and not exceeding two thousand dollars, one and one-half percent; for all over two thousand dollars and not exceeding twenty thousand dollars, one percent; and for all over twenty thousand dollars, one-fourth of one percent.

“Section 3. This Act shall apply to any judicial sale in any district or circuit court in this state made after the effective date of this Act, provided the case was filed after January 15, 1977 and provided further that the provisions of this Act shall not apply to any judicial sale in any probate court in this state.”

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

AN ACT

To amend Section 9-16-2 of the Code of Alabama 1975 relating to surface mining reclamation so as to exempt certain chert pits from the provisions of Article 1 of Chapter 16 of Title 9 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-16-2 of the Code of Alabama 1975 is hereby amended to read as follows:

“§ 9-16-2. Unless clearly indicated otherwise by the context, the following terms, when used in this article, for the purpose of this article shall have the meanings respectively ascribed to them in this section:

“(1) **AFFECTED LAND.** The area of land from which overburden has been removed or upon which overburden has been deposited after October 1, 1970.

“(2) **CONTIGUOUS.** In actual contact, touching, as contrasted with being near but not in contact.

“(3) **DEPARTMENT.** The department of industrial relations of the state of Alabama or such department, bureau or commission as may lawfully succeed to the powers and duties of such department relating to mining operations.

“(4) **DIRECT SEEDING.** The seeding of seeds by hand sowing, machine sowing or aerial seeding.

“(5) **DIRECTOR.** Director of the department of industrial relations of the state of Alabama or such officer, bureau or commission as may lawfully succeed to the powers and duties of such director.

“(6) **INSPECTOR.** Any authorized employee of the department of industrial relations of the state of Alabama under the direction of the director.

“(7) **OPERATOR.** Any person, firm, partnership, association or corporation engaged in or controlling one or more surface mining operations.

“(8) **OVERBURDEN.** All of the earth and other materials which lie above natural deposits of clay, sand, gravel, ores and other minerals except limestone, marble and dolomite, and also such earth and other materials disturbed from their natural state in the process of surface mining.

“(9) **PEAK.** A projected point of overburden created in the process of surface mining.

“(10) PERMIT PERIOD. A one-year period commencing on the issuance of a permit to engage in surface mining.

“(11) PERSON. Any natural person, firm, corporation, association, partnership, joint venture or representative of any kind or any other group acting as a unit.

“(12) PIT. A tract of land from which overburden has been or is being removed for the purpose of surface mining.

“(13) RECLAMATION. The reconditioning or rehabilitation of affected land in accordance with the requirements of this article.

“(14) REFUSE. All waste material, exclusive of overburden, directly connected with the mining, cleaning or preparation of substances mined by surface mining.

“(15) RIDGE. A lengthened elevation of overburden created in the process of surface mining.

“(16) SURFACE MINING. The mining of clay, sand, gravel, ores and other minerals except chert pits, or similar type pits from which construction materials are obtained, which involve 5 acres or less of surface area and which do not involve excavation below the surrounding area in such a way as to create a pit that will accumulate water, limestone, marble, dolomite and coal, by removing the overburden lying above natural deposits thereof and mining directly from the natural deposits thereby exposed or by mining directly from deposits lying exposed in their natural state.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-677

H. 758—Rep. Cosby

AN ACT

To amend Section 40-23-4, Code of Alabama 1975, which provides for exemptions from sales taxation, so as to include aircraft manufactured and sold, but not domiciled in the State within the exemption.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-4, Code of Alabama 1975, is hereby amended to read as follows:

“§ 40-23-4.

“(a) There are exempted from the provisions of this division and from the computation of the amount of the tax levied, assessed or payable under this division the following:

“(1) The gross proceeds of the sales of lubricating oil and gasoline as defined in sections 40-17-30 and 40-17-170 and the gross proceeds from those sales of lubricating oil destined for out-of-state use which are transacted in a manner whereby an out-of-state purchaser takes delivery of such oil at a distributor’s plant within this state and transports it out-of-state, which are otherwise taxed.

“(2) The gross proceeds of the sale, or sales, of fertilizer. The word ‘fertilizer’ shall not be construed to include cottonseed meal, when not in combination with other materials.

“(3) The gross proceeds of the sale, or sales, of seeds for planting purposes and baby chicks and poults. Nothing herein shall be construed to exempt or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale or sales of plants, seedlings, nursery stock or floral products.

“(4) The gross proceeds of sales of insecticides and fungicides and feed for livestock and poultry, but not including prepared food for dogs and cats.

“(5) The gross proceeds of sales of all livestock by whomsoever sold, and also the gross proceeds of poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof.

Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm.

“(6) Cottonseed meal exchanged for cottonseed at or by cotton gins.

“(7) The gross receipts from the business on which, or for engaging in which, a license or privilege tax is levied by or under the provisions of sections 40-21-50, 40-21-53 and 40-21-56 through 40-21-60; provided, that nothing contained in this subdivision shall be construed to exempt or relieve the person or persons operating the business enumerated in said sections from the payments of the tax levied by this division upon or measured by the gross proceeds of sales of any tangible personal property, except gas and water, the gross receipts

from the sale of which are the measure of the tax levied by said section 40-21-50, merchandise or other tangible commodities sold at retail by said persons, unless the gross proceeds of sale thereof are otherwise specifically exempted by the provisions of this division.

“(8) The gross proceeds of sales or gross receipts of or by any person, firm or corporation, from the sale of transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies.

“(9) The gross proceeds of the sale, or sales of coal or coke to manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products, or the generation of heat or power used in manufacturing tangible personal property for sale, for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for resale, or for the generation of motive power for transportation.

“(10) The gross proceeds from the sale or sales of fuel and supplies for use or consumption aboard ships and towing vessels plying the high seas or gulf intracoastal waterway either in intercoastal trade between ports in the state of Alabama and ports in other states of the United States or its possessions or in foreign commerce between ports in the state of Alabama and ports in foreign countries; provided, that nothing in this division shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercraft of 50 tons burden or less.

“(11) The gross proceeds of sales of tangible personal property to the state of Alabama, to the counties within the state and to incorporated municipalities of the state of Alabama.

“(12) The gross proceeds of the sale or sales of railroad cars, and vessels and barges of more than 50 tons burden, when sold by the manufacturers or builders thereof.

“(13) The gross proceeds of the sale or sales of materials, equipment, and machinery which enter into and become a component part of ships, vessels or barges of more than 50 tons burden, constructed or built within this state.

“(14) The gross proceeds of the sale or sales of fuel oil purchased as fuel for kiln use in manufacturing establishments.

“(15) The gross proceeds of the sale or sales of tangible personal property to county and city school boards, independent school boards

and all educational institutions and agencies of the state of Alabama, the counties within the state or any incorporated municipality of the state of Alabama.

“(16) The gross proceeds from the sale of all devices or facilities, and all identifiable components thereof or materials for use therein, acquired primarily for the control, reduction or elimination of air or water pollution and the gross proceeds from the sale of all identifiable components of or materials used or intended for use in structures built primarily for the control, reduction or elimination of air and water pollution.

“(17) The gross proceeds of sales of tangible personal property or the gross receipts of any business which the state is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of this state.

“(18) The gross proceeds of sales amounting to \$1,000.00 a month or less from small stores or vending stands operated by blind persons, as defined in section 1-1-3; provided, that such small business establishment shall be the property of the blind operator or of the business enterprise program for the blind, sponsored jointly by the state department of education and the Alabama institute for the deaf and blind, that the operator shall have filed application for exemption as required in this subdivision and that the blind operator shall have been for a period of two years next preceding the filing of his application for this exemption a bona fide resident of the state of Alabama.

“Any persons claiming exemption hereunder shall file with the commissioner of revenue an application therefor in the form prescribed by the commissioner of revenue, accompanied by a vision certificate from a regularly licensed physician or ophthalmologist.

“Any person who procures a license under the provisions of this subdivision and permits any other person, firm or corporation to engage in or conduct business under this license shall be guilty of a misdemeanor and shall be punished as provided by law; and any person, firm or corporation, not entitled to exemption hereunder, who engages in or conducts business under a license issued to a blind person under the provisions of this subdivision shall be guilty of a misdemeanor and shall be punished as provided by law.

“(19) When dealers or distributors use parts taken from stocks owned by them in making repairs without charge for such parts to the owner of the property repaired pursuant to warranty agreements entered into by manufacturers, such use shall not constitute taxable sales to the manufacturers, distributors or to the dealers, under this division or under any county sales tax law.

“(20) The gross proceeds received from the sale or furnishing of food, including potato chips, candy, fruit and similar items, soft drinks, tobacco products and stationery and other similar or related articles by hospital canteens operated by Alabama state hospitals at Bryce Hospital and Partlow State School for Mental Deficients at Tuscaloosa, Alabama, and Searcy Hospital at Mt. Vernon, Alabama, for the benefit of the patients therein.

“(21) The gross proceeds of the sale, or sales, of wrapping paper and other wrapping materials when used in preparing poultry or poultry products for delivery, shipment, or sale by the producer, processor, packer or seller of such poultry or poultry products including pallets used in shipping poultry and egg products, paper or other materials used for lining boxes or other containers in which poultry or poultry products are packed together with any other materials placed in such containers for the delivery, shipment or sale of poultry or poultry products.

“(22) The gross proceeds of the sales of all antibiotics, hormones and hormone preparations, drugs, medicines or medications, vitamins, minerals or other nutrients and all other feed ingredients including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feeds for fish raised to be sold on a commercial basis, livestock and poultry. Such exemption herein granted shall be in addition to exemption now provided by law for fee for fish raised to be sold on a commercial basis, livestock and poultry, but not including prepared foods for dogs or cats.

“(23) The gross proceeds of the sale, or sales, of seedlings, plants, shoots and slips which are to be used for planting vegetable gardens or truck farms. Nothing herein shall be construed to exempt, or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale, or the use of plants, seedlings, shoots, slips, nursery stock and floral products, except as hereinabove exempted.

“(24) The gross proceeds of the sale, or sales, of fabricated steel tube sections, when produced and fabricated in this state by any person, firm or corporation for any vehicular tunnel for highway vehicular traffic, when sold by the manufacturer or fabricator thereof, and also the gross proceeds of the sale, or sales, of steel which enter into and become a component part of such fabricated steel tube sections of said tunnel.

“(25) The gross proceeds from sales of admissions to any theatrical production, symphonic or other orchestral concert, ballet or opera production when such concert or production is presented by any society, association, guild or workshop group, organized within

this state, whose members or some of whose members regularly and actively participate in such concerts or productions for the purposes of providing a creative outlet for the cultural and educational interests of such members, and of promoting such interests for the betterment of the community by presenting such productions to the general public for an admission charge.

“The employment of a paid director or conductor to assist in any such presentation described in this subdivision shall not be construed to prohibit the exemptions herein provided.

“(26) The gross proceeds of sales of herbicides for agricultural uses by whomsoever sold. The term ‘herbicides,’ as used in this subdivision, means any substance or mixture of substances intended to prevent, destroy, repel or retard the growth of weeds or plants. It shall include pre-emergence herbicides, postemergence herbicides, lay-by herbicides, pasture herbicides, defoliant herbicides and desiccant herbicides.

“(27) The Alabama chapter of the cystic fibrosis research foundation, and the Jefferson tuberculosis sanatorium and any of their departments or agencies, heretofore or hereafter organized and existing in good faith in the state of Alabama for purposes other than for pecuniary gain and not for individual profit, shall be exempted from the computation of the tax on the gross proceeds of all sales levied, assessed or payable.

“(28) The gross proceeds from the sale or sales of fuel for use or consumption aboard commercial fishing vessels are hereby exempt from the computation of all sales taxes levied, assessed, or payable under the provisions of this division or levied under any county or municipal sales tax law.

“The words ‘commercial fishing vessels’ shall mean vessels whose masters and owners are regularly and exclusively engaged in fishing as their means of livelihood.

“(29) The gross proceeds of sales of sawdust, wood shavings, wood chips and other like materials sold for use as ‘chicken litter’ by poultry producers and poultry processors.

“(30) The gross proceeds of the sales of all antibiotics, hormones and hormone preparations, drugs, medicines and other medications including serums and vaccines, vitamins, minerals or other nutrients for use in the production and growing of fish, livestock and poultry by whomsoever sold. Such exemption as herein granted shall be in addition to the exemption provided by law for feeds for fish, livestock and poultry, and in addition to the exemptions provided by law for the above enumerated substances and products when mixed and used as ingredients in fish, livestock and poultry feeds.

“(31) The gross proceeds of the sale or sales of all medicines prescribed by physicians for persons who are 65 years of age or older, and when said prescriptions are filled by licensed pharmacists, shall be exempted under this division or under any county or municipal sales tax law. The exemption provided in this section shall not apply to any medicine purchased in any manner other than as is herein provided.

“For the purposes of this subdivision, proof of age may be accomplished by filing with the dispensing pharmacist any one or more of the following documents:

“a. The name and claim number as shown on a ‘Medicare’ card issued by the United States social security administration.

“b. A certificate executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

“c. An affidavit executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

“For the purposes of this subdivision, any person filing a false proof of age shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of \$100.00.

“(32) There shall be exempted from the tax levied by this division the gross receipts of sales of grass sod of all kinds and character when in the original state of production or condition of preparation for sale, when such sales are made by the producer or members of his family or for him by those employed by him to assist in the production thereof; provided, that nothing herein shall be construed to exempt sales of sod by a person engaged in the business of selling plants, seedlings, nursery stock or floral products.

“(33) The gross receipts of sales of the following items or materials which are necessary in the farm to market production of tomatoes when such items or materials are used by the producer or members of his family or for him by those employed by him to assist in the production thereof: twine for tying tomatoes, tomato stakes, field boxes (wooden boxes used to take tomatoes from the fields to shed) and tomato boxes used in shipments to customers.

“(34) The gross proceeds from the sale of liquified petroleum gas sold to be used for agricultural purposes.

“(35) The gross receipts of sales from state nurseries of forest tree seedlings.

“(36) The gross receipts of sales of forest tree seed by the state.

“(37) The gross receipts of sales of *Lespedeza bicolor* and other species of perennial plant seed and seedlings sold for wildlife and game food production purposes by the state.

“(38) The gross receipts of any aircraft manufactured, sold and delivered in this State if said aircraft are not permanently domiciled in Alabama and are removed to another state within three days of delivery.

“(b) Any violation of any provision of this section shall be punishable in a court of competent jurisdiction by a fine of not less than \$500.00 and no more than \$2,000.00 and imprisonment of not less than six months nor more than one year in the county jail.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1981

Time: 2:00 P.M.

Act No. 81-678

H. 1033—Reps. Penry, McMillan

AN ACT

Relating to Baldwin County; to provide for payment of a portion of the proceeds derived from the sale of property confiscated for violation of the controlled substances act to the sheriff's department.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff's department of Baldwin County shall receive 25% of the proceeds of the sale of property confiscated under Section 20-2-93, Code of Alabama 1975, known as the controlled substances act. Said percentage shall be computed from the sum remaining after the payment of all proper expenses of the proceedings for forfeiture and sale, as provided by Section 20-2-93(e)(2). The money received by the sheriff's department pursuant to this act shall be placed in a separate fund to be used to pay drug informants whose information leads to the conviction of an individual for a drug offense.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this

act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 19, 1981 without approval by the Governor.

Act No. 81-679

H. 496—Rep. Dixon

AN ACT

To amend Section 36-27-23, Code of Alabama 1975, which provides for the membership of the board of control of the state employees' retirement system, so as to provide further for said membership.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-27-23, Code of Alabama 1975, is hereby amended to read as follows:

“§ 36-27-23.

“(a) The general administration and responsibility for the proper operation of the retirement system and for making effective the provisions of this article are hereby vested in a board of trustees which shall be known as the board of control.

“(b) The board shall consist of ten trustees as follows:

“(1) The governor, ex officio, who shall be chairman.

“(2) The state treasurer, ex officio.

“(3) The state personnel director, ex officio.

“(4) The director of finance, ex officio.

“(5) Three members of the retirement system, to be appointed by the governor, no two of whom shall be from the same department of the state government nor from any department of which an ex officio trustee is the head. The terms of office of the three members appointed by the governor shall begin immediately after they have qualified and taken the oath of office.

“(6) Two members of the state employees' retirement system who shall be elected by a majority vote of the participating full-time state employees who are members of the said system. For their original terms, one shall serve for a two-year term and one shall serve for a

three-year term. Thereafter, their successors each shall serve for a four-year term.

“a. During the month of July 1980, employees desiring to serve shall file with the state comptroller notice of their intent to run for the position. The comptroller shall cause to be prepared ballots for distribution to all state employees with their paychecks during the first pay period of August 1980. Each state payroll clerk within one week shall collect the executed ballots and return them to the comptroller who shall forthwith tabulate the ballots and announce the results. A printout of the tabulation along with the ballots shall within three days be delivered by the comptroller to the secretary of state, who shall preserve the ballots and the printout for three months.

“b. At the expiration of terms of office of the respective original trustees elected under this subdivision (6), and every four years thereafter, their successors shall be elected in the same manner as provided by paragraph a. of this subdivision.

“(7) One member from the ranks of the retired state employees who is an active beneficiary of the system shall be elected by a majority vote of the participating retired beneficiaries of the said system, to serve a three-year term, beginning October 1, 1981. An individual shall be ineligible to serve two consecutive three-year terms.

“The retired member shall be elected in a statewide ballot conducted by the secretary-treasurer under rules promulgated by the board of control. Such a ballot shall be conducted prior to October 1, 1981, in order that the trustee can take his office by that date.

“(c) If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled, except that of the trustee elected under subsection (7) of this section. In that event the vacancy for the unexpired term shall be filled by an appointment by the board of control of the employees' retirement system from a list of three retired employees furnished him by the board of directors of the Alabama retired state employees' association.

“(d) The trustees shall serve without compensation for their services as trustees, but they shall be reimbursed from the expense fund for all necessary expenses that they may incur through service on the board of control.

“(e) Each trustee shall, within 10 days after his appointment, take an oath of office that, so far as it devolves upon him, he will diligently and honestly administer the affairs of the board of control and that he will not knowingly violate or willingly permit to be vio-

lated any of the provisions of law applicable to the retirement system. Such oath shall be subscribed to by the member making it, certified by the officer before whom it is taken and immediately filed in the office of the secretary of state.

“(f) Each trustee shall be entitled to one vote in the board of control. Four votes in favor of any decision shall be necessary for a decision by the trustees at any meeting of said board.

“(g) Subject to the limitations of this article, the board of control shall, from time to time, establish rules and regulations for the administration of the funds created by this article and for the transaction of its business.

“(h) The board of control, by a majority vote of all its members, shall elect a secretary-treasurer who shall serve as the chief executive officer of the retirement system. The board of control shall engage such actuarial and other special services as shall be required to transact the business of the retirement system. The compensation of all persons engaged by the board, with the exception of clerical employees who shall be employed under the provisions of the Merit System Act, and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board shall approve.

“(i) The board of control shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds of the retirement system and for checking the experience of the system.

“(j) The board of control shall keep a record of all of its proceedings which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the retirement system for the preceding year, the amount of the accumulated cash and securities of the system and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

“(k) The attorney general of the state shall be the legal adviser of the board of control.

“(l) The board of control shall designate a medical board to be composed of three physicians not eligible to participate in the retirement system. If required, other physicians may be employed to report on special cases. The medical board shall arrange for and pass upon all medical examinations required under the provisions of this chapter and shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of control its con-

clusions and recommendations upon all matters referred to it.

“(m) The board of control shall designate an actuary who shall be the technical adviser of the board of control on matters regarding the operation of the funds created by the provisions of this article and shall perform such other duties as are required in connection therewith.

“(n) Immediately after the establishment of the retirement system the actuary shall make such investigation of the mortality, service and compensation experience of the members of the system as he shall recommend and the board of control shall authorize, and, on the basis of such investigation, he shall recommend for adoption by the board of control such tables and such rates as are required in subsection (o) of this section. The board of control shall adopt tables and certify rates and, as soon as practicable thereafter, the actuary shall make a valuation based on such tables and rates of the assets and liabilities of the funds created by this article.

“(o) In 1948, and at least once in each five-year period thereafter, the actuary shall make an actuarial investigation into mortality, service and compensation experience of the members and beneficiaries of the retirement system and shall make a valuation of the assets and liabilities of the funds of the system and, taking into account the results of such investigation and valuation, the board of control shall adopt for the retirement system such mortality, service and other tables as shall be deemed necessary and certify the rates of contribution payable by the state under the provisions of this article.

“(p) On the basis of such tables as the board of control shall adopt, the actuary shall make an annual valuation of the assets and liabilities of the funds of the system created by this article.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 19, 1981 without approval by the Governor.

Act No. 81-680

H. 855—Rep. Gafford

AN ACT

To provide for optional retirement for previously retired state employees.

Be It Enacted by the Legislature of Alabama:

Section 1. Any state employee who has retired under the State Retirement System and is reemployed, upon his next retirement, in the event he has or has not become a member of the State Retirement System, may have his choice of option, prior to the receipt of his first retirement check, if he has completed at least one year of satisfactory service.

Section 2. The provisions of this Act shall expire August 1, 1981, except that any rights that have vested under the provisions of this Act during its effective period shall remain in full force and effect.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 19, 1981 without approval by the Governor.

Act No. 81-681

S. 93— Messrs. Proctor, Higginbotham
and Bailey

AN ACT

To authorize the creation of Alabama Municipal Electric Authority as a public corporation of the State of Alabama; to authorize the Authority, as sole owner or in common with others, to acquire, construct, reconstruct, improve, equip, alter, repair, place into operation, operate, maintain and dispose of projects embracing generation, transmission and distribution of bulk electric power and energy and to acquire, construct, and equip all property and things necessary or convenient for the purposes of the projects and the acquisition, construction, maintenance, and operation thereof; to authorize the Authority to enter into contracts providing for the prepayment by the Authority of charges for bulk electric power and energy; to confer powers, including, among others, the power of eminent domain (subject to certain limitations), and the power to employ personnel and contract for indemnification of its officers, employees, and the members of the board of directors of the Authority; to impose duties on the Authority; to provide for the membership and operation of the Authority; to establish an election committee to elect the board of directors of the Authority; to establish the board of directors of the Authority; to authorize the Authority and municipalities, municipal electric utility boards and public corporations owning or operating electric distribution systems to execute contracts for the sale of the output, capacity, use or service of the projects and to enforce the performance thereof and to specify the wholesale character of such sales; to provide for the utilization of reductions in the cost of wholesale power incurred by municipalities due to the existence of the Authority; to authorize the Authority to enter into interconnection arrangements with certain persons; to authorize the Authority to fix and revise rates and other charges with respect

to the output, capacity, use or service of projects and require that those rates or charges be sufficient, along with other revenues and funds of the Authority, to meet certain expenses; to authorize the issuance and to provide for the sale and negotiability of bonds, bond anticipation notes and notes of the Authority payable from the revenues and other available funds of the Authority to pay the costs of the projects; to authorize the collecting and pledging of revenues and other funds and assets of the Authority for the payment of the bonds, bond anticipation notes and notes and for the cost of operating, maintaining, and repairing the projects; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of the bonds; to provide rights for the owners of the bonds, bond anticipation notes, and notes; to provide for the appointment of a receiver upon certain events; to provide that the bonds shall not constitute a debt of the State nor of any municipality, municipal electric utility board or public corporation owning or operating an electric distribution system; to make the bonds legal investments and to exempt the bonds, bond anticipation notes and notes, and the income therefrom and interest thereon, along with all income and property (and filings with respect thereto) of the Authority from taxation; to provide for certain payments to be made by the Authority in lieu of ad valorem, sales, use, license and severance taxation; to exempt the bonds, bond anticipation notes and notes from the provisions of the State's usury laws; to exempt the purchase, sale or use of property by the Authority from all sales, use and license taxes in the State; to authorize the issuance of refunding bonds; to provide for validation of the bonds and the security therefor and any contracts related thereto; to provide that all funds received by the Authority shall be trust funds to be applied only as provided in this Act; to authorize the issuance of bond anticipation notes and notes and provide for the payment and terms thereof; to exempt the Authority from the provisions of the Public Service Commission law; to provide for the consent of the Department of Finance to the issuance by the Authority of its Bonds, Bond Anticipation Notes and Notes; to exempt the construction, operation or acquisition of electric light plants by the Authority from the provisions of Sections 37-4-60 through 37-4-65, Code of Alabama 1975; to fix the jurisdiction of actions relating to any provisions of this Act; to provide for the dissolution of the Authority; to exempt the Authority from the operation of the Alabama Sunset Law of 1976, and from the competitive bid laws contained in the Code of Alabama 1975; to repeal all laws and parts of laws in conflict herewith; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. As used in this Act, the following words shall have the following meanings unless the context clearly indicates otherwise.

(a) "Authority" means Alabama Municipal Electric Authority created pursuant to this Act and any successor or successors thereto.

(b) "Board" means the board of directors of the Authority.

(c) "Bonds" means any bonds issued by the Authority under the provisions of this Act, including refunding bonds.

(d) "Bond Anticipation Notes" means short term obligations issued by the Authority in anticipation of the issuance of Bonds.

(e) "Costs" means all costs of acquisition, construction, reconstruction, improvement, equipment, alteration, repair, or extension of any Project; all costs of real and personal property required for the

purposes of any Project, including any rights or undivided interest therein; all costs of easements, franchises, water rights, fees, permits, approvals, licenses, and certificates, and all costs of securing any permits, approvals, licenses, and certificates, and preparing applications therefor; all costs of machinery and equipment, including equipment for use in connection with construction; all costs of the initial fuel supply or additional fuel inventories acquired for any Project; all costs of insurance against any and all risks; all costs or estimated costs of financing, including, without limitation, interest that it is estimated will accrue prior to and during construction and during any additional period which the Authority may reasonably determine to be necessary to place a Project in operation on money borrowed or which it is estimated will be borrowed; all costs of engineering, inspecting, architectural, financial, fiscal agency and legal services; all costs of plans and specifications and all expenses necessary or incidental to determining the feasibility or practicability of any Project; all costs of working capital; all administrative and organizational expenses and any other expenses which may be necessary or incidental to the financing authorized in this Act; and all costs incidental to any contract relating to prepayment by the Authority for bulk electric power and energy or transmission services. The costs of any Project shall also include funds paid or advanced for any of the purposes stated in this subsection by Municipalities contracting with the Authority prior to the issuance of any Bonds, Bond Anticipation Notes or Notes that may be refunded to those Municipalities out of the proceeds of any Bonds, Bond Anticipation Notes or Notes so issued. The costs of any Project may also include a fund or funds for the creation of a debt service reserve, an insurance and extraordinary repairs reserve, a renewal and replacement reserve, a fuel reserve, a working capital reserve, and any other reserves which may be reasonably required by the Authority for the operation and disposal of its Projects and which may be authorized by any bond resolution, trust agreement or indenture pursuant to the provisions of which the issuance of any Bonds may be authorized. Any obligation or expense incurred for any of the foregoing purposes shall be regarded as a part of the costs of a Project and may be paid or reimbursed as such out of the proceeds of Bonds, Bond Anticipation Notes or Notes issued under the provisions of this Act to finance the Project.

(f) "Municipality" means any city or town which owns, maintains and operates or causes to be owned, maintained or operated an electric distribution system. If any such city or town has heretofore created and established, or hereafter creates and establishes, a public corporation operating an electric system or a municipal electric utility board pursuant to the laws of the State codified as, respectively, Section 11-50-310 et seq., Code of Alabama 1975, or Section 11-50-490 et

seq., Code of Alabama 1975, then the word "Municipality" shall refer to the public corporation or utility board, as the case may be, and not to the city or town creating and establishing it, so that the public corporation or utility board shall exercise all powers granted by this Act to, and undertake all obligations imposed by this Act on, the city or town creating and establishing it.

Any municipality that does not on the effective date of this Act, own, maintain or operate an electric distribution system and wishes to become a member of the authority, may become a member of the authority only following a favorable vote in a referendum held in the city on the question of membership in the authority.

(g) "Notes" means interim certificates, notes or other evidences of indebtedness, whether long or short term, issued by the Authority not in anticipation of the issuance of Bonds.

(h) "Person," means a natural person, a cooperative or private corporation, association, firm, partnership, or business trust of any nature whatsoever, organized and existing under the laws of any state or of the United States, or of any other country or political subdivision thereof, including their departments, agencies or instrumentalities, any Municipality or other municipal corporation, political subdivision, governmental unit, or public corporation created under the laws of any state or of the United States, and any state or the United States, and any person, board, or other body declared by the laws of any state or the United States to be a department, agency or instrumentality thereof.

(i) "Project" means electric generation, transmission and distribution facilities, and all property, real and personal, of every kind and nature material or pertinent thereto or necessary therefor, located within or without the State, which may be used or useful in the generation, transmission, distribution, sale, purchase, exchange or interchange of bulk electric power and energy, and in the supplying of bulk electric power and energy to all those contracting with the Authority therefor, as provided in Section 8(h), including any interest therein or right to capacity thereof, and may include, without limitation, a divided or undivided interest in any electric generation, transmission or distribution facility in which the Authority shall participate as an owner in common with others, a contract right or other contractual arrangement for the long-term provision of bulk electric power and energy and transmission services to the Authority on a prepaid basis and the acquisition of water and fuel of any kind for such purposes, including the acquisition of water rights, fuel deposits and facilities for the development, production, processing, manufacture, fabrication, transportation and storage of water and fuel. The term "Project" shall not include (a) any facilities for any purpose other than those neces-

sary or desirable to provide bulk electric power and energy to Municipalities or to effect the sale, purchase, exchange and transmission of bulk electric power and energy with other electric suppliers pursuant to those arrangements provided in Section 8(h), and (b) any undivided fractional interest in any electric generation facilities which, on or prior to January 1, 1981, were being used by a private utility to generate electricity for distribution pursuant to a certificate of convenience and necessity obtained from the Alabama Public Service Commission. For purposes of the preceding sentence, electric generation facilities shall not be deemed to include any facilities used in common with other separate generating units at a single generating plant. Sales of bulk electric power and energy to Municipalities shall only be effected as "wholesale sales" as the term "wholesale sales" is defined in Section 40-21-80(a) (9), Code of Alabama 1975, as amended, or any subsequent statute of similar import. The terms "generation" and "transmission" as used herein shall have the same meaning as those contained in the Uniform System of Accounts as prescribed by the Federal Energy Regulatory Commission. The term "distribution" as used herein shall include only those facilities necessary or desirable to effect wholesale sales from transmission facilities to any Municipality contracting with the Authority.

(j) "Revenues" means (i) all revenues, income, earnings, rents and receipts derived by the Authority from or attributable to the ownership or operation of any Project, including all revenues attributable to the Project or to the payment of the Costs thereof received by the Authority under any contract for the sale of the output, capacity, use or service of the Project or any part thereof or any contractual arrangement with respect to the use of the Project or any portion thereof or the output, capacity, use or service thereof, (ii) the proceeds of any insurance covering business interruption loss relating to the Project, (iii) interest received on any moneys or securities held by the Authority pursuant to any resolution duly adopted by the Authority and paid or required to be paid into any revenue fund established by such resolution, and (iv) any other monies received by the Authority and defined as revenues in any bond resolution, trust agreement or indenture pertaining to any Bonds and the issuance thereof.

(k) "State" means the State of Alabama.

(l) "Herein," "hereby," "hereunder," "hereof," and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any of these words is used.

(m) Where used in this Act, words in the present tense shall be construed to include the future tense, the singular shall be construed to include the plural, the plural shall be construed to include

the singular, and nouns and pronouns shall be construed to include all genders.

Section 2. Declaration of need. The Municipalities are now empowered to own and operate electric distribution systems to serve their citizens, inhabitants, and customers by providing them electricity for all purposes. To assure that the Municipalities may have alternative sources of bulk electric power and energy, in addition to those presently available, to operate their electric distribution systems in a dependable, efficient and economical manner, it is desirable that the Municipalities acting through the Authority be empowered to engage in joint action for the generation, transmission and distribution of bulk electric power and energy for sale to the Municipalities for resale and for the sale, purchase, exchange and transmission of bulk electric power and energy with other electric suppliers. The Legislature finds and declares: that the provision of alternative sources of bulk electric power and energy to the Municipalities through joint action in the fields of generation, transmission and distribution is in the public interest; that the creation of the Authority as a non-profit public corporation is desirable to aid in the continued viability of the electric distribution systems operated by the Municipalities and to provide for a means by which the Municipalities may act jointly in all ways possible for the purpose of coordinated bulk electric power and energy supply programs; and that the necessity in the public interest for the provisions herein enacted is declared as a matter of legislative determination.

Section 3. Purpose of the Authority. The purpose of the Authority shall be to acquire, construct, operate and maintain or cause to be acquired, constructed, operated, and maintained Projects, and to take all other necessary or desirable action, in order to provide or make available an adequate, dependable, and economical alternative supply of bulk electric power and energy and related services for wholesale sales to those Municipalities which may desire such supply, and incidentally and so as to take advantage of economies of scale in the provision of economical and reliable wholesale power supply to the Municipalities, to enter into interconnection arrangements with other electric suppliers having generation and transmission capabilities, which arrangements provide for sale, purchase, exchange or transmission of bulk electric power and energy. The Authority shall only be authorized, through acquisition or construction of Projects, or through interconnection arrangements with others, to provide for the generation, transmission or distribution of power as provided in this Act. Nothing in this Act shall be construed to permit or to cause the Authority to acquire or construct, or to maintain and operate any Project, or to engage in interconnection arrangements with Persons,

for any purpose other than those necessary or desirable to provide bulk electric power and energy to Municipalities or to effect the sale, purchase, exchange and transmission of bulk electric power and energy with other electric suppliers pursuant to those arrangements provided in Section 8(h). Sales of bulk electric power and energy to Municipalities shall only be effected as "wholesale sales" as the term "wholesale sales" is defined in Section 40-21-8(a) (9), Code of Alabama 1975, as amended, or any subsequent statute of similar import. Nothing in this Act shall be construed to enable the Authority to effect "retail sales" as the term "retail sales" is defined in Section 40-21-80(a) (5), Code of Alabama 1975, as amended, or any subsequent statute of similar import. The Authority shall not, except in the case of dissolution of the Authority, disburse any monies to any Municipality participating in the Authority, except to reimburse a Municipality for amounts advanced to or for the benefit of the Authority (with interest) or with respect to overcharges or refunds relating to the Authority's costs of and charges for bulk electric power and energy; provided, however, that nothing in this Act shall prohibit disbursements or payments with respect to the purchase, lease, or other use by the Authority of any electric transmission facility or rights-of-way of any participating Municipality.

Section 4. Application for incorporation of the Authority.

(a) To become a public corporation, the individuals designated as the first members of the Election Committee described in Section 6(a) (1) of this Act shall, immediately before the first meeting of the Election Committee provided in Section 6 of this Act, present to the Secretary of State of the State an application signed by them as applicants which shall set forth:

(1) The name, official designation, if any, and residence of each of the applicants;

(2) The date on which each applicant was designated a member of the Election Committee;

(3) The name of the proposed corporation, which shall be "Alabama Municipal Electric Authority";

(4) The location of the principal office of the proposed corporation, which shall be in the City of Montgomery, Montgomery County; and

(5) Any other matter relating to the incorporation of the Authority which the applicants may choose to insert and which is not inconsistent with this Act or the laws of the State.

(b) The application shall be signed and sworn to by each of the applicants before an officer authorized by the laws of this State to

take acknowledgments to deeds.

(c) The Secretary of State shall examine the application; and, if he finds that it substantially complies with the requirements of this Section, he shall receive and file it and record it in an appropriate book of records in his office.

Section 5. Issuance and recording of certificate of incorporation; no fees to be paid. When the application has been made, filed and recorded as herein provided, the applicants shall constitute a public corporation under the name proposed in the application, and the Secretary of State shall make and issue to the applicants a certificate of incorporation pursuant to this Act, under the great seal of the State, and shall record the certificate with the application. There shall be no fees paid to the Secretary of State for any work done in connection with the incorporation of the Authority.

Section 6. Board of Directors of the Authority. The Board of Directors of the Authority shall consist of nine members who shall be eligible to succeed themselves and who shall be elected by the duly designated representatives of the Municipalities which are authorized and directed to designate a member of the Election Committee as hereinafter provided in this Section. The business, affairs, and property of the Authority shall be managed by its Board of Directors.

(a) (1) Election Committee. On or before the ninetieth (90th) day following the effective date of this Act, the governing body of each Municipality which shall have, prior to that ninetieth (90th) day, by proper resolution declared its intention to contract with the Authority for the purchase of electric power and energy pursuant to Section 17 of this Act, provided there shall be as many as five such Municipalities, shall designate one individual who shall be a duly qualified elector of that Municipality as its representative on the Alabama Municipal Electric Authority Membership Election Committee which is herein designated as "the Election Committee." The resolution of the governing body of each Municipality may at any time be repealed in the manner provided by law for repeal of resolutions by the governing body; provided, that repeal of a resolution after the date of incorporation of the Authority shall not affect the existence of the Authority or the validity or enforceability of any contract entered into by the Municipality with the Authority. Each resolution declaring the intention of the Municipality to contract with the Authority shall state the amount of electric power and energy purchased from all sources by the Municipality during the immediately preceding calendar year and shall be presented to the Election Committee at its first meeting which shall be held at the State Capitol located in the City of Montgomery, Alabama, at 11 o'clock a.m., Montgomery time, on the first Monday following the ninetieth (90th)

day following the effective date of this Act. At that meeting, which shall not precede the issuance of the Authority's certificate of incorporation by the Secretary of State as provided in Section 5 of this Act, the Election Committee shall organize and elect a chairman and any other officers which may be desirable in the determination of the Election Committee. The Election Committee shall then determine the sufficiency of the resolutions presented to it, the accuracy of the factual representations made therein, and the number of votes (including fractions thereof) which each member of the Election Committee shall be entitled to cast in accordance with the provisions of subsection (a) (2) of this Section; the determinations of the Election Committee shall be final. Nominations for membership on the Board shall then be received by the Election Committee prior to adjournment of its first meeting. The Election Committee shall then meet for the second time one week later at the same time and place to receive any other nominations for membership on the Board that may be made and shall at that time elect nine members of the Board. The nine nominees to membership on the Board receiving the largest number of votes cast by a quorum of the Election Committee shall be declared to be elected as the first nine members of the Board. Each member shall be a duly qualified elector of one of the Municipalities represented on the Election Committee, but, insofar as is mathematically possible, no more than one member shall be a duly qualified elector of any one of those Municipalities. The Election Committee shall meet on a date not more than thirty (30) days prior to each annual meeting of the Authority to elect members to fill the terms which will begin at the conclusion of the annual meeting of the Board.

(2) Distribution of Votes.

In elections held by the Election Committee to elect members to the Board, beginning with the first election of members, each Municipality entitled to representation on the Election Committee shall have, and shall be entitled to have its representative on the Election Committee cast, one whole vote, plus an additional vote or votes (including fractions thereof) to be determined as follows:

(A) Before any Project of the Authority is placed in commercial operation by the Authority, as determined by the Authority, and electric power and energy is being supplied by the Authority to all Municipalities contracting with the Authority pursuant to Section 17 of this Act, the percentage which is arrived at by dividing the number of kilowatt hours of electric power and energy purchased from all sources by each represented Municipality during the immediately preceding calendar year by the total number of kilowatt hours of electric power and energy purchased from all sources by all represented Municipalities during the immediately preceding calendar year

shall be determined; each percentage so determined shall then be applied to a total number of votes equal to the total number of Municipalities entitled to representation on the Election Committee. The resulting figure, calculated to the nearest one thousandth, shall be the additional vote or votes (including fractions thereof) to which each respective Municipality is entitled.

(B) After any Project of the Authority is placed in commercial operation by the Authority, as determined by the Authority, and electric power and energy is being supplied by the Authority to all Municipalities contracting with the Authority pursuant to Section 17 of this Act, the percentage which is arrived at by dividing the number of kilowatt hours of electric power and energy purchased from the Authority by each represented Municipality during the immediately preceding calendar year by the total number of kilowatt hours of electric power and energy purchased from the Authority by all represented Municipalities during the immediately preceding calendar year shall be determined; each percentage so determined shall then be applied to a total number of votes equal to the total number of Municipalities entitled to representation on the Election Committee. The resulting figure, calculated to the nearest one thousandth, shall be the additional vote or votes (including fractions thereof) to which each represented Municipality is entitled. At the meeting of the Election Committee in the calendar year immediately following the calendar year in which any Project of the Authority is first place in commercial operation by the Authority, as determined by the Authority, and electric power and energy is being supplied by the Authority to all Municipalities contracting with the Authority pursuant to Section 17 of this Act, if the Project has been in commercial operation, as determined by the Authority, and if electric power and energy has been supplied for at least six months in the immediately preceding calendar year, then the period of time upon which the determination shall be made of the additional vote or votes (including fractions thereof) to which the members of the Election Committee shall be entitled at such meeting shall be that portion of the calendar year in which electric power and energy was first supplied to the Municipalities; otherwise, such additional vote or votes (including fractions thereof) shall be determined on the basis of the number of kilowatt hours of electric power and energy purchased from all sources in accordance with the provisions of subsection (a) (2) (A) of this Section.

(C) The presence at any meeting of the Election Committee of representatives entitled to cast two-thirds of the total votes to which the Election Committee shall be entitled shall constitute a quorum of the Election Committee.

(b) Additional members of Election Committee. The governing body of each Municipality declaring its intent to contract with the Authority for the purchase of electric power and energy pursuant to Section 17 of this Act, after the ninetieth (90th) day following the effective date of this Act, but before the election of the first nine members of the Board, shall designate one individual who shall be a duly qualified elector of that Municipality as an additional member of the Election Committee. The term of each additional member of the Election Committee so designated shall begin with the first meeting of the Election Committee following the meeting held for the purpose of electing the first nine members of the Board. After the election of the first nine members of the Board, each Municipality that is not otherwise entitled to representation on the Election Committee and that contracts with the Authority pursuant to Section 17 of this Act shall designate one individual who shall be a duly qualified elector of that Municipality as an additional member of the Election Committee. The term of each additional member of the Election Committee so designated shall begin with the next meeting of the Election Committee following his designation as a member. Each member of the Election Committee shall serve at the pleasure of the governing body of the Municipality by which he was appointed.

(c) Term of office. The initial membership of the Board shall be elected as follows: three members of the Board shall be elected for terms of one year, three for two years, and three for three years. Each election thereafter, except elections to fill unexpired terms, shall be for a term of three years. All terms, however, shall extend through the annual meeting of the Board held at the expiration of the number of years for which the member was elected and until his successor shall be elected. Nevertheless, all members of the Board shall serve at the pleasure of the Election Committee. In the event it should be mathematically necessary in the election of the members of the Board for more than one member of the Board to be a duly qualified elector of the same Municipality, then and in that event, one of the two members who are duly qualified electors of the same Municipality shall be elected for an initial term of one year; and, in the event there should be four Municipalities from which two duly qualified electors must be elected, one of the duly qualified electors of one of those four Municipalities shall be elected for an initial term of two years; provided, however, that insofar as may be consistent with the foregoing provisions of this subsection, in the election of the first nine members of the Board, the three nominees receiving the highest number of votes shall be elected to terms of three years, the three nominees receiving the next highest number of votes shall be elected to terms of two years, and the three nominees receiving the next highest number of votes shall be elected to terms of one year. Any tie votes shall be resolved by lot in a manner prescribed by the Election Committee.

Members of the Election Committee shall not be eligible for membership on the Board.

(d) First meeting. The first meeting of the Board shall be held at the same place and hour, on the first Thursday following the second meeting of the Election Committee described in subsection (a) (1) of this Section, to elect officers, decide upon a date, time and place for its next meeting or meetings, and to proceed with the transaction of any business that may come before the Board.

(e) Annual meeting. The first annual meeting of the Board, which may be held without notice, shall be held on the anniversary date of the first meeting of the Board. If the date set for the annual meeting of the Board is a legal holiday, the annual meeting shall be held on the next secular day following. The date of subsequent annual meetings of the Board may be changed by resolution of the Board, and no notice, other than notice of the adoption of the resolution to any member of the Board who was absent when it was adopted, shall be required for any annual meeting. Notice of the adoption of a resolution changing the date of the annual meeting of the Board shall be given to any member of the Board who was absent when the resolution was adopted by mailing a copy of the resolution to each absent member of the Board ten days prior to the date set for the annual meeting.

(f) Regular meetings. Regular meetings of the Board may be established by resolution of the Board, and no notice, other than notice of the adoption of the resolution to any member of the Board who was absent when it was adopted, shall be required for any regular meeting. Notice of the adoption of a resolution establishing regular meetings of the Board shall be given to any member of the Board who was absent when the resolution was adopted by mailing a copy of the resolution to each absent member of the Board ten days prior to the date of the regular meeting.

(g) Special meetings. Special meetings of the Board may be called by resolution of the Board or by the chairman or vice-chairman or upon the written request of at least three members of the Board.

(h) Notice of special meetings. Written notice of special meetings shall be mailed to each Municipality contracting with the Authority pursuant to Section 17 of this Act and to each member of the Board not less than three days prior to the date of any special meeting. Neither the business to be transacted at nor the purpose of a special meeting of the Board need be specified in the notice of the meeting. Notice of a special meeting need only state the time and place of the meeting.

(i) Waiver of notice. Notice of a meeting of the Board need not

be given to any member who signs a waiver of notice either before or after the meeting. Attendance of a member at a meeting shall constitute a waiver of notice of the meeting and a waiver of any and all objections to the time or place of the meeting or to the manner in which it has been called or convened, except when a member states at the beginning of the meeting any objection or objections to the transaction of business. Neither the business to be transacted at nor the purpose of any regular or special meeting of the Board need be specified in the waiver of notice of those meetings.

(j) Vacancies. Any vacancy in the membership of the Board due to the death, resignation, change of residence, or disability of a member shall be filled by a new member to be elected by the remaining members of the Board to serve until the next meeting of the Election Committee. At the first meeting of the Election Committee following the filling of any vacancy, the Election Committee shall elect a member to fill the remainder, if any, of the unexpired term for which the vacancy was filled. Upon this election by the Election Committee, the membership on the Board of the member elected to fill any vacancy by the remaining members of the Board shall terminate. If any member of the Board who is employed in any capacity in the management or operation of the electric distribution system of any Municipality ceases to be so employed, he shall be deemed to have resigned his membership on the Board within the meaning of this subsection.

(k) Officers. The Board shall elect as officers of the Authority a chairman, a vice-chairman, a secretary-treasurer, and any other officers which the Board from time to time may deem necessary. The chairman and vice-chairman shall be elected from the membership of the Board. All officers shall serve for terms of one year terminating at the next annual meeting of the Board or until their successors are elected and qualified.

(l) Majority. At all meetings of the Board the presence in person of a majority of the members in office shall be necessary for the transaction of business, and the affirmative vote of a majority of the members present and voting at a meeting where a quorum is present shall be necessary for any action of the Board. No vacancy in the membership of the Board shall impair the right of the majority to exercise all the rights and perform all duties of the Board. If at any meeting there is less than a majority present, a majority of those present may adjourn the meeting to a fixed time and place, and notice of that time and place shall be given in accordance with the provisions of subsection (h) of this Section.

(m) Compensation. The members of the Board shall not be entitled to compensation for their services as directors or officers, but

may be reimbursed by the Authority for their actual expenses properly incurred in the performance of their duties.

(n) Books and records. The Authority shall keep suitable books and records of all its obligations, contracts, transactions, and undertakings, and of all its Revenues and receipts of every nature and all expenditures of every kind.

(o) Audits. The Authority, together with all funds established in connection with its debt, shall be audited no less frequently than annually by an independent nationally recognized auditing and accounting firm to be selected and compensated by the Authority. Copies of any audit shall be available upon request to interested parties, including specifically but without limitation, the holders of Bonds and all parties contracting with the Authority.

Section 7. Tax exemptions. All Bonds, Bond Anticipation Notes and Notes issued by the Authority, the interest thereon and the income therefrom shall be forever exempt from all taxation in the State. All income of the Authority, all obligations, lease agreements and mortgages of the Authority, all conveyances by or to the Authority, and all lien notices or other filings with respect to the property of the Authority and the transfer thereof shall be forever exempt from any and all taxation in the State. The purchase, sale or use of property by the Authority shall be exempt from all sales, use and license taxes levied by the State and all political subdivisions of the State. All property of the Authority shall be exempt from ad valorem property taxation. Nevertheless, the Authority, or any agent of the Authority designated for the purpose of constructing, maintaining or operating any Project of the Authority, shall pay to any validly constituted taxing authority of the State, or any county or municipality or other political subdivision thereof, that levies ad valorem, sales, use, license or severance taxes, payments in lieu of those taxes equal in amount to the ad valorem, sales, use, license and severance taxes which would have been paid by private Persons engaged in the same or similar business within the State with respect to real and personal property owned, leased or otherwise used, and with respect to the purchases, sales or use of property, within the taxing jurisdictions of those entities had the properties of the Authority been owned, leased, used or purchased by such private Persons. Payment of such amounts in lieu of taxes shall be made at the time taxes of such nature would be payable by private Persons and shall be received, treated, deposited and appropriated by those taxing jurisdictions for all purposes in the same manner as if those amounts were payments of those taxes. Payments in lieu of taxes shall be enforceable by the taxing authority in civil action brought by such taxing authority. It is the intent of the Legislature that while the Authority is a

political subdivision of the State, the business in which it is engaged should be responsible for the payment, in lieu of taxes, of amounts which other similar businesses are required to pay, to support essential government services. In the event of the dissolution of the Authority pursuant to section 27 hereof, if any of the then remaining reserves of the Authority provided for in this Act (except those funded with proceeds of Bonds, Bond Anticipation Notes or Notes of the Authority) are distributed (other than for those purposes for which such reserves were established or as credits respecting amounts previously overbilled by the Authority) to Municipalities contracting with the Authority pursuant to Section 17 of this Act, the Authority shall, with respect to those distributions, pay to the State, in lieu of income taxes levied by the State, amounts equal to the income taxes that would be payable by the Authority with respect to the amounts distributed as if the Authority had taxable income in the year of the distributions in the amount of such distributions and the Authority were an entity subject to income taxes. Such amounts shall be payable at the time and received, treated, and appropriated by the State for all purposes in the same manner, as if those amounts were payments of State income taxes.

The Authority shall also pay a fee to the state in the amount of 2.2% of the gross receipts in lieu of taxes from all electric power sold by the Authority. The proceeds of such fee shall be deposited and paid to the General Fund.

Section 8. Powers of the Authority. In addition to other powers granted the Authority by this Act, it shall have all powers consistent with the purposes of the Authority as set forth in Section 3, which are necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including, but without limiting the generality of the foregoing, the following enumerated powers, which shall be exercised by the Authority consistently with the provisions of Section 3 hereof:

(a) **Litigation.** To sue and be sued and to prosecute and defend in any court having jurisdiction of the subject matter and of the parties thereto;

(b) **Seal.** To adopt and alter a corporate seal;

(c) **Bylaws, rules and regulations.** To make and alter at pleasure all needful bylaws, rules and regulations for the transaction of its business and the control of its property and affairs;

(d) **Eminent domain.** To have the same right of eminent domain through condemnation conferred by Section 10-5-1, Code of Alabama 1975, or any subsequent statute of similar import; provided that nothing herein shall be construed to grant to the Authority the

power to acquire by condemnation any real or personal property or right-of-way of any utility as the term "utility" is defined in Section 37-4-1(7) (a), Code of Alabama 1975;

(e) Acquisition of property. To acquire in its own name by purchase on such terms and conditions and in such manner as it may deem proper, or by exercise of the power of eminent domain, or by gift, grant, lease, or otherwise, real property or rights and easements therein and franchises and personal property necessary or convenient for its corporate purposes; and to insure its property against any and all risks with insurance which may, from time to time, be available; and to use its property and rent or lease the same to or from others, or make contracts with respect to the use thereof; or to sell, lease, or otherwise dispose of any of its property in any manner it deems to the best advantage of the Authority and the purposes thereof. The powers to acquire, use, and dispose of property contained in this Section shall include the power to acquire, use, and dispose of any interest in any property, whether divided or undivided, which may result in the ownership of any property or any part thereof in common with any other party or parties, public or private. With respect to any property held jointly with others, the parties may provide, by deed or contract, for the waiver of the right of partition and sale for partition or division, which such waivers, if given, shall be binding on all successors and assigns of the joint owners of such property. In any acquisition of real or personal property by the Authority in common with any other party, public or private, either of the joint owners shall have an option to purchase the interest of any of the other joint owners upon determination by such other joint owner, its successors or assigns, to sell its interest in such jointly owned property, at a price to be mutually agreed to by the joint owners as set forth in a contract between the joint owners relating to such jointly owned property. The Authority shall be under no obligation to accept and pay for any property condemned under this Act except from the funds provided under the authority of this Act. If the Authority shall deem it expedient to construct any Project on lands which are subject to the control of the State or of any political subdivision, board, or any public corporation existing in the State, the Governor, in the case of the State, or the governing authorities of any political subdivisions, boards or public corporations are hereby authorized to convey any lands to the Authority for a consideration, not exceeding reasonable value, which may be agreed upon by the Authority, as grantee, and by the Governor or by the governing body of any political subdivision, board or public corporation, as grantor, taking into consideration the public benefit to be derived from the conveyance;

(f) Officers and employees. To appoint and select officers and employees, and to fix their compensation, and to appoint and select

engineering, architectural, and construction experts, fiscal agents, and attorneys. The Authority may retain, employ, engage and dismiss all necessary staff and personnel, including professional and technical supervisors, assistants, and experts and other agents and employees, temporary or permanent, as it may require;

(g) Bonds of officers and employees. To require that each officer or employee of the Authority handling money or exercising control over property of the Authority before entering upon the discharge of his duties, give bond with some surety company authorized to do business in the State as surety and payable to the Authority, to be approved by the Authority, in such penalty as the Authority may prescribe, conditioned for the faithful discharge of the duties of his office or employment and faithfully to account for all moneys received or property coming into his possession in the capacity of his employment;

(h) Electric power. To plan, develop, acquire, by purchase or otherwise, in whole or in part, as provided in subsection (e) of this Section, and to construct and place into operation and operate or cause to be constructed and placed into operation and operated, and to reconstruct, improve, equip, alter, repair, and extend, Projects, within or without the State, either as sole or joint owner of all or of any part in common with one or more Persons or as agent; to provide, by sale or otherwise, an adequate, dependable, and economical supply of bulk electric power and energy to Municipalities contracting with the Authority pursuant to Section 17 of this Act; and, incidental to the provision of bulk electric power and energy to such Municipalities, to enter into contracts for long or short-term interconnection, interchange, exchange, pooling, wheeling, transmission, purchase or sale of bulk electric power and energy and other similar arrangements with other electric suppliers having generation and transmission capabilities, including, without limitation, the United States of America (including the Southeastern Power Administration) and electric utility systems or electric cooperatives either privately or publicly owned, within or without the State; provided that such arrangements may include agreements with respect to resale rates and the disposition of receipts and provided further that such arrangements shall not be entered into with political subdivisions or public corporations of the State other than Municipalities. The Authority shall also have the power, which may be exercised either as principal or agent, to manufacture, generate, store, and transmit electricity for light, heat, power, and energy; to purchase power at retail or wholesale from any other Person; to purchase or construct part of Projects sponsored and owned by or in common with one or more Persons, and to transmit power both for itself and on behalf of any Person; to erect, buy, sell, lease, or otherwise acquire, maintain, and operate

or cause to be maintained and operated plants, underground subways, conduits, poles, and wires above, upon, and under the streets, alleys, lands, and territories of political subdivisions (all in compliance with Article XII, Sections 220 and 228, Constitution of Alabama of 1901), public or private corporations, or individuals; and to sell bulk electric power and energy to Municipalities which are authorized to contract with the Authority pursuant to Section 17 of this Act;

(i) Contracts. To contract with those Municipalities which are authorized to contract with the Authority pursuant to Section 17 of this Act, and with any Person within or outside the State;

(j) Agreement relating to ownership, construction, operation, and maintenance. To exercise any one or more of the powers, rights and privileges conferred in this Act either alone or jointly or in common with one or more Persons. In any exercise of its powers, rights, and privileges jointly or in common with one or more Persons with respect to the ownership, construction, operation, and maintenance of electric generation, transmission or distribution facilities, the Authority may own an undivided interest in those facilities with any other Person, with or without waiver of the right of partition and sale for partition or division as may be provided in a deed or contract relating to such jointly-owned facility. The Authority may enter into an agreement or agreements with respect to any electric generation, transmission or distribution facility with any Person participating therein, and any agreement may contain such terms, conditions and provisions consistent with the provisions of this Act as the parties thereto shall deem to be in their best interests. Any such agreement may include, but need not be limited to, provisions for the construction, operation, and maintenance of the electric generation, transmission or distribution facility by any one or more of the parties to the agreement which shall be designated in or pursuant to the agreement as agent or agents on behalf of itself and one or more of the other parties thereto or by any other means which may be determined by the parties thereto, and may include provisions for a method or methods of determining and allocating, among or between the parties, costs of construction, operation, maintenance, renewals, replacements, improvements and disposals with respect to the facility and the entitlement of the joint owners to the production capability or utilization of the facilities under normal and emergency situations and in the event of default on the part of one or more joint owners in the payment of costs as provided in the agreement. Any such agreement shall supersede any provision of law to the contrary relating to the rights of joint owners of property and relating to the use of property, title to which is held by the Authority jointly with others. Notwithstanding anything contained in any other law to the contrary, pursuant to the terms of any agreement authorized in this subsection, the

Authority may delegate any and all of its powers and duties with respect to the construction, operation, maintenance, renewal, replacement, improvement or disposal of electric generation, transmission or distribution facilities to the party or parties acting as agent; and all actions taken by the agent in accordance with the provisions of the agreement may be made binding upon the Authority without further action or approval by the Authority;

(k) Gifts, grants, and transfers of property. To accept, receive, and administer gifts, grants, appropriations, and donations of money, materials, and property of any kind, including loans and grants from the United States of America or the State or any agency, department, authority, or instrumentality of either, upon such terms and conditions as the United States of America, the State or any agency, department, authority, or instrumentality shall impose, and to administer trusts, and to sell, lease, transfer, convey, appropriate, and pledge, any and all of its property;

(l) Investment. Subject to any agreement with the holders of Bonds, Bond Anticipation Notes or Notes, to invest moneys of the Authority not required for immediate use, including proceeds from the sale of any Bonds, Bond Anticipation Notes or Notes and any accumulation of its funds and any sinking funds or reserves, in such obligations, securities and other investments as the Authority shall deem prudent, and to purchase its own Bonds, Bond Anticipation Notes and Notes;

(m) General. To do any and all things necessary or proper for the accomplishment of the purposes of this Act and any amendments hereto; and to exercise any power usually possessed by private corporations performing similar functions which is not in conflict with the Constitution and laws of the State, including employment of professional and administrative staff and personnel and retaining of legal, engineering, fiscal agency and other professional services, the purchasing of all kinds of insurance including, without limitation, insurance against tort liability and against risks of damage to property, and including the power to borrow money for any of the purposes of the Authority; provided, however, that obligations of the Authority other than Bonds, Bond Anticipation Notes and Notes, for which provision is made in this Act, may be made payable from the general funds of the Authority and shall not be a charge against any special fund allocated to the payment of Bonds, Bond Anticipation Notes or Notes; and including the power to indemnify and hold harmless any parties contracting with the Authority or its agents from damage to Persons or property and the power to act as self-insurer with respect to any loss or liability;

(n) Bonds. To issue and sell (on sealed bid at public sale,

except that with respect to a particular issue of Bonds proposed to be issued by the Authority, if sale of the Bonds on sealed bid at public sale is not in the opinion of the Director of Finance of the State of Alabama in the best interest of the Authority under then prevailing market conditions, in which case, and in which case only, the proposed particular issue of Bonds may be sold at private sale with the approval of the Director of Finance of the State)

Bonds, payable from the Revenues of any of the Projects of the Authority and other available funds of the Authority as designated in the bond resolution, trust agreement or indenture pertaining to the Bonds for the purpose of paying the Costs of any Project or for any of the Authority's corporate purposes; to execute trust agreements or indentures; to sell, convey, pledge, and assign any and all of its funds, property, and income as security for the payment of Bonds, and to provide for the payment of Bonds and for the rights of the holders thereof.

Section 9. Issuance of Bonds.

(a) Prerequisite to issuance of Bonds. The Authority shall, prior to the adoption by the Board of a resolution authorizing the issuance of any Bonds, enter into one or more contracts with two or more Municipalities which are authorized to contract with Authority pursuant to Section 17 of this Act. Any resolution of the Board authorizing the issuance of Bonds may authorize those Bonds to be issued in more than one series, and the issuance of each series of Bonds so authorized by that resolution need not be preceded by the entering into by the Authority of additional contracts pursuant to Section 17 of this Act.

(b) Procedure for authorization of Bonds. The Board may by resolution or resolutions authorize the issuance of Bonds. Unless otherwise provided therein, the resolution or resolutions shall take effect immediately and need not be published or posted. The Board may authorize such types of Bonds as it may determine, subject only to any agreement with the holders of particular Bonds, including Bonds as to which the principal and interest are payable exclusively from all or a portion of the Revenues from one or more Projects, or from Revenues generally or from any source whatever. Bonds may also be issued for the purpose of paying any outstanding Bonds, Bond Anticipation Notes or Notes at or prior to maturity or upon acceleration or redemption; such Bonds shall be issued in an aggregate principal amount not exceeding the sum of (a) the outstanding principal amount of the outstanding Bonds, Bond Anticipation Notes, Notes or other obligations to be refunded, (b) the interest accrued and unpaid thereon plus the interest to mature thereon until their date of payment, (c) the amount of any redemption premium required, by their terms, to be paid as a condition to their redemption prior to their respective maturities, and (d) the amount of any actual or es-

timated expenses of the refunding, including without limitation deposits to reserves for debt service or other capital or current expenses from the proceeds of such Bonds as may be required by the resolution authorizing such Bonds. The Authority may provide for any arrangements for the payment and security of the Bonds being issued or for the payment and security of the Bonds, Bond Anticipation Notes or Notes to be redeemed, refunded, or refinanced.

(c) Bond provisions. Bonds may be issued under this Act in one or more series, may bear such date or dates, may mature at such time or times, not exceeding 50 years from their respective dates, may bear interest at such rate or rates, payable at such time or times, may be payable in such medium of payment at such place or places, may be in such denomination or denominations, may be in such form, either coupon or fully registered without coupons, may be issued in any specific amounts, may carry such registration, conversion, and exchangeability privileges, may be declared or become due before the maturity date thereof, may provide such call or redemption privileges, may have such rank or priority, and may contain any other terms, covenants, assignments, and conditions as the bond resolution authorizing the issuance of the Bonds, or any trust agreement or indenture pertaining thereto may provide. The Authority may sell, at public or private sale, Bonds in such manner, at such price or prices, and upon such terms and conditions as shall be determined by the Authority. Any Bonds, Bond Anticipation Notes or Notes issued by the Authority shall be exempt from all laws of the State governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Title 8, Chapter 8, Code of Alabama 1975, or any subsequent statute of similar import.

(d) Execution of Bonds. The Bonds of the Authority shall be signed by its chairman and attested by its secretary-treasurer, and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to the Bonds shall be signed by the chairman; provided, that a facsimile of the signature of one, but not both, of these officers may be printed or otherwise reproduced on any Bonds in lieu of his manually signing the same, a facsimile of the seal of the Authority may be printed or otherwise reproduced on any Bonds in lieu of being manually affixed thereto and a facsimile of the chairman's signature may be printed or otherwise reproduced on any interest coupons in lieu of his manually signing the same. In the alternative, the signatures of the officers of the Authority and the seal of the Authority upon any Bond, Bond Anticipation Note or Note, may all be by facsimile if the instrument is authenticated or countersigned by a trustee other than the Authority itself or an officer or employee of the Authority. All Bonds, Bond Anticipation Notes or Notes issued under authority of this Act bearing signatures or facsimiles of the

signatures of officers of the Authority in office on the date of the signing thereof shall be valid and binding notwithstanding that before the delivery thereof, and payment therefor, such officers whose signatures appear thereon shall have ceased to be officers of the Authority. Pending the preparation of definitive Bonds, interim receipts, in such form and with such provisions as the Authority may determine, may be issued to the purchaser of Bonds to be issued under this Act.

(e) Covenants in resolutions. Any bond resolution authorizing the issuance of Bonds and any trust agreement or indenture entered into under this Act to finance in whole or in part the acquisition, construction, reconstruction, improvement, equipment, alteration, repair, or extension of any Project, may contain covenants as to:

(1) The rates, fees, tolls, or other charges to be charged for the output, capacity, use or service of the Project and other resources of the Authority sufficient to meet operating and maintenance expenses, renewals and replacements to such Project, debt service on Bonds, creation and maintenance of reserves required by the bond resolution, trust agreement or indenture pursuant to which the issuance of Bonds may be authorized and to provide for any margins or coverages over and above debt service on the Bonds deemed desirable for the marketability of the Bonds;

(2) The use and disposition of the Revenues to be derived from the Project;

(3) The creation and maintenance of sinking funds or reserves and the regulation, use and disposition thereof, including debt service reserve, renewal and replacement reserve, reserves for the provision of fuel, working capital reserves, and any other reserves which may be reasonably required by the Authority for the ownership, lease, operation, or disposition of its Projects and which may be authorized by the bond resolution, trust agreement or indenture pursuant to which the issuance of the Bonds may be authorized;

(4) The purpose or purposes to which the proceeds of the sale of the Bonds may be applied, and the use and disposition of the proceeds;

(5) Events of default and the rights and liabilities arising thereupon, the terms and conditions upon which Bonds shall become or may be declared due before maturity, and the terms and conditions upon which that declaration and its consequences may be waived;

(6) The issuance of other additional Bonds or the issuance of Bond Anticipation Notes or Notes evidencing obligations of the Authority payable from or a charge against the Revenues of the Project;

(7) The insurance to be carried on the Project, and the use and disposition of insurance proceeds;

(8) Books of account and the inspection and audit of those books;

(9) Limitations or restrictions as to leasing or otherwise disposing of the Project while any of the Bonds or interest thereon remain outstanding and unpaid; and

(10) The operation and maintenance of the Project and of the Authority.

Section 10. Validation of Bonds. Except as otherwise provided in this Section, the validity of any Bonds may be determined in the manner provided in Sections 11-81-220 through 11-81-227, Code of Alabama 1975; provided that, as used in those sections: the term "unit" shall mean the Authority; the term "organizing subdivision" shall mean the State; the term "obligations" shall include, in addition to the evidences of indebtedness listed in Section 11-81-220(3), all contracts described in Section 11 of this Act; and the term "district attorney" shall mean the Attorney General of the State; and provided further, that the Authority shall not be required to specify in its complaint when, where, and in what amounts principal and interest on the Bonds are to be paid; and provided further, that in its complaint the Authority may, when stating the amount of obligations to be issued, state the principal amount of Bonds to be issued, whether the Bonds are to be issued in separate series or installments from time to time, and, in stating the maximum rate of interest such Bonds are to bear, state a maximum per annum rate of interest or in the event the Bonds or any series or installment thereof are to bear different rates of interest for different maturity dates that none of such rates will exceed the maximum rate specified in its complaint; and provided further, that nothing contained herein shall be construed as prohibiting or restricting the right of the Authority to sell its Bonds at a discount, even if in so doing the effective interest cost resulting therefrom would exceed the maximum per annum interest rate specified in the Authority's complaint. Publication of a notice to the taxpayers and citizens of the State shall be made in the manner and at the times specified in Section 11-81-222(d), except that publication shall be made in a newspaper customarily published not less often than five days during each calendar week in the Cities of Birmingham, Mobile, Montgomery and Huntsville. A statement of certification shall be made as provided in Section 11-81-225, and, together with a facsimile of the signature of the register of the circuit court in lieu of his manually signing the same, shall be stamped, printed or otherwise reproduced on the Bonds. The register or clerk of the circuit court shall

receive no fee or other compensation in connection with the preparation of the certification described in this Section. Prior to the initial issuance and sale by the Authority of obligations provided for in this Act (whether in the form of Bonds, Bond Anticipation Notes or Notes), the validity of those obligations (along with the validity of the payments in lieu of taxes required by Section 7) shall be determined in a validation proceeding as provided in this Section. Following the initial issuance and sale of obligations of the Authority the validity of which shall have been determined as provided in the preceding sentence, the validation of any Bonds, Bond Anticipation Notes or Notes subsequently issued and sold by the Authority shall not be required.

Section 11. Validation of contracts. When payments required by the provisions of Section 17 of this Act to be made by any Municipality authorized to contract with the Authority pursuant to Section 17 of this Act are pledged as security for the payment of Bonds sought to be validated, the petition for validation shall make parties defendant to that action every Municipality which has contracted with the Authority for the output, capacity, use or service of the Project for which Bonds are sought to be validated. Notice to the taxpayers and citizens of such Municipality shall be made as provided in Section 11-18-222(d). Every other party, public or private, contracting with the Authority in any manner with relation to the construction, ownership or operation of the Project for which Bonds are sought to be validated may also be made parties defendant to that action.

Section 12. Further provisions of Bonds.

(a) Destroyed Bonds. If any Bond becomes mutilated or is lost, stolen, or destroyed, the Authority may execute and deliver a new Bond of like date of issue, maturity date, principal amount, and interest rate per annum as the Bond so mutilated, lost, stolen, or destroyed. The new Bond shall have attached thereto coupons corresponding in all respects to those, if any, on the Bond mutilated, lost, stolen, or destroyed; provided, that (1) in the case of any mutilated Bond, that Bond together with all unmatured coupons appertaining thereto is first surrendered to the Authority, (2) in the case of any lost, stolen, or destroyed Bond, there is first furnished evidence of the loss, theft, or destruction satisfactory to the Authority together with indemnity satisfactory to the Authority, (3) all other reasonable requirements of the Authority are complied with, and (4) expenses in connection with the transaction are paid. In the event any coupon is mutilated, lost, stolen, or destroyed, the Authority may issue a duplicate coupon upon the same terms and conditions as those provided for the replacement of mutilated, lost, stolen, or destroyed Bonds. Any Bond or coupon surrendered for exchange shall be cancelled in accordance with the provisions of this Section.

(b) **Interest.** Interest shall cease to accrue on any Bond or coupon on the date that the Bond or coupon becomes due for payment if payment is made or duly provided for, but liability for any matured Bond or coupon and for the accrued interest thereon shall continue until the Bond or coupon, as the case may be, is seven (7) years overdue for payment. At that time, unless demand for payment has been made, this obligation shall be extinguished and shall be deemed no longer outstanding.

(c) **Cancellation.** Unless otherwise directed by the Authority, every evidence of indebtedness and interest coupon paid, exchanged or otherwise retired shall forthwith be marked "cancelled" and shall be delivered by the paying agent making payment thereof to the Authority where it shall be destroyed and a certificate of destruction shall be filed in the records of the Authority.

(d) **Records.** The Authority shall maintain records containing a full and correct description of each evidence of indebtedness issued, identifying it and showing its date, issue, amount, interest rate, payment dates, payments made, registration, cancellation, destruction, and every other relevant transaction.

(e) **Paying agent.** The Authority may appoint one or more paying agents within or without the State for each issue or series of Bonds. Each paying agent shall be a bank or trust company authorized by the laws of the United States or of the state in which it is located to do a banking or trust business. The Authority may make any provisions respecting paying agents which it deems necessary or useful and may enter into a contract with any paying agents containing any terms, including compensation, and conditions in regard to the paying agents which it deems necessary or useful.

Section 13. Immunity from liability.

(a) **Individual liability.** Neither the members of the Election Committee, the members of the Board nor any individual executing Bonds, Bond Anticipation Notes or Notes on behalf of the Authority shall be personally liable thereon by reason of the issuance thereof.

(b) **Credit not pledged.** Neither the Bonds, Bond Anticipation Notes nor Notes issued under provisions of this Act nor the instruments evidencing the obligations which constitute the security therefor shall constitute a debt or a loan or pledge of the full faith and credit of the State or of any Municipality, but all Bonds, Bond Anticipation Notes and Notes shall be payable solely from the sources described in Section 19 of this Act as provided in the resolutions or trust agreements or indentures authorizing or securing the issuance and payment of the Bonds, Bond Anticipation Notes or Notes, as the case may be. The issuance of Bonds, Bond Anticipation Notes or Notes

shall not obligate the State or any Municipality to levy or pledge any form of taxation whatever for the payment thereof. No owner of any Bond, Bond Anticipation Note or Note or receiver or trustee in connection therewith shall have the right to enforce the payment thereof against any property of the State or of any Municipality, nor shall any Bond, Bond Anticipation Note or Note constitute a charge, lien, or encumbrance, legal or equitable, upon any such property. Bonds issued by the Authority shall not be general obligations of the Authority but shall be payable solely out of the Revenues and other funds subject to pledge pursuant to Section 19 of this Act.

Section 14. Right to receivership upon default.

(a) Receiver. In the event that the Authority shall default in the payment of the principal of or interest on any of its Bonds, Bond Anticipation Notes or Notes after they shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of 30 days, or if the Authority shall default in any material respect in any agreement made with the holders of the Bonds, Bond Anticipation Notes or Notes, any holder of Bonds, Bond Anticipation Notes or Notes, or trustee therefor, shall have the right to apply in an appropriate judicial proceeding to the Montgomery County Circuit Court for the appointment of a receiver for the Project, the Revenues of which were pledged for payment of the principal of and interest due on the Bonds, Bond Anticipation Notes or Notes, whether or not all Bonds, Bond Anticipation Notes or Notes have been declared due and payable and whether or not the holder, or trustee therefor, is seeking or has sought to enforce any other right or to exercise any remedy in connection with the Bonds, Bond Anticipation Notes or Notes. Upon such application the circuit court, if it deems such action necessary for the protection of the holders of the Bonds, Bond Anticipation Notes or Notes, may appoint, and if the application is made by the holders of twenty-five (25%) percent in principal amount of the Bonds, Bond Anticipation Notes or Notes then outstanding or any trustee for holders of Bonds, Bond Anticipation Notes or Notes in that principal amount, shall appoint, a receiver for the Project.

(b) Duties of receiver. The receiver appointed pursuant to this Section shall forthwith, directly or by his agents and attorneys, enter into and upon and take possession of the Project or of the portion thereof or interest therein which is owned by the Authority and, if the court so directs, may exclude the Authority, its officers, agents, and employees and all Persons claiming under them wholly therefrom and shall have, hold, use, operate, manage, and control the Project and each and every part thereof, and, in the name of the Authority or otherwise, as the receiver may deem best, shall exercise all the rights and powers of the Authority with respect to the Project as the

Authority itself might do. The receiver shall maintain, restore, insure, and keep insured the Project or any portion or interest therein which is owned by the Authority, and from time to time shall make all necessary or proper repairs as to the receiver may seem expedient, and shall establish and maintain rates and collect fees, tolls, and other charges in connection with the Project as the receiver may deem necessary or proper and reasonable, and shall collect and receive all Revenues and shall deposit them in a separate account and apply the Revenues so collected and received in the manner directed by the court; provided, however, that the foregoing duties of the receiver shall be performed in a manner consistent with any and all existing contractual arrangements to which the Authority may be a party, and the powers of the receiver shall be no greater than the powers of the Authority.

(c) Termination of receivership. Whenever all that is due upon the Bonds, Bond Anticipation Notes or Notes, and interest thereon, and upon any other Bonds, Bond Anticipation Notes or Notes, and interest thereon, having a charge, lien, or encumbrance on the Revenues of the Project under any of the terms of any covenants or agreements with holders of Bonds, Bond Anticipation Notes or Notes shall have been cured and made good and it shall appear to the court that no default is imminent, the court shall direct the receiver to surrender possession of the Project to the Authority, and the same right of the holders of the Bonds, Bond Anticipation Notes or Notes to secure the appointment of a receiver shall exist upon any subsequent default as provided in this Section.

(d) Court's jurisdiction. The receiver shall, in the performance of the powers herein conferred upon him, act under the direction and supervision of the court making such appointment and shall at all times be subject to the orders and decrees of the court and may be removed by it. Nothing contained herein shall limit or restrict the jurisdiction of the court to enter any other and further orders and decrees as the court may deem necessary or appropriate for the exercise by the receiver of any functions specifically set forth herein; provided, however, the court shall not, in the exercise of the authority granted herein, be empowered to relieve the receiver of any obligation provided for by deed or contract between the Authority and any other party.

Section 15. Negotiability. Bonds, Bond Anticipation Notes and Notes issued by the Authority shall be construed to be, and shall have all the rights and incidents of negotiable instruments, subject to the provision of the Bonds, Bond Anticipation Notes or Notes pertaining to registration, although payable solely from a specified source as provided herein.

Section 16. Legal investments. The Bonds, Bond Anticipation Notes and Notes authorized in this Act shall be securities in which all public officers and bodies of this State and all political subdivisions, all insurance companies and associations, and other Persons carrying on an insurance business, all banks, bankers, trust companies, savings banks, and savings associations, including savings and loan associations, building and loan associations, investment companies, and other Persons carrying on a banking business, all administrators, guardians, executors, trustees, and other fiduciaries and all other Persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the State, may properly and legally invest funds. The Bonds, Bond Anticipation Notes and Notes shall also be securities which may be deposited with and shall be received by all public officers and bodies of this State and all political subdivisions for any purpose for which deposit of the bonds or other obligations of this State is now or may hereafter be authorized.

Section 17. Contracts for use of Projects.

(a) Purchase of electric power. Any Municipality, if authorized by resolution or ordinance of its governing body, may contract with the Authority for the payment of any rates, tolls, fees, and other charges prescribed in this Section and Section 18 by the Authority for the output, capacity, use or service by the Municipality of any Projects or other resources of the Authority or any of its facilities or undertakings. The obligations to pay the amounts contracted to be paid by the Municipality to the Authority under the contract or contracts entered into pursuant to the provisions of this Section shall be treated as expenses of operating the electric distribution system of the Municipality for the payment of which the revenues of the Municipality derived from the operation of its electric distribution system (together with any other revenues that may be lawfully pledged therefor) may be pledged; provided that, in the case of a Municipality that is an incorporated city or town in the State, such amounts contracted by such Municipality to be paid during any fiscal year during which such contract is in effect shall be payable solely out of the current revenues derived from the operation of that Municipality's electric distribution system (together with any other revenues that may be lawfully pledged therefor) for such fiscal year; and, provided further, that no revenues may be pledged to provide funds to fulfill the obligations of a Municipality arising under any contract with the Authority if, as a result of such pledge, such contract would be deemed to constitute a debt of the Municipality within the meaning of any constitutional prohibition or limitation. A Municipality's contract with the Authority of the type described in this Section may contain covenants with respect to resale rates charged by the Municipality.

pality for electricity in order to ensure that revenues of the Municipality's electric distribution system are adequate for it to meet its obligations under the contract. The contract of the Municipality may include provisions for requirements purchases of bulk electric power and energy and may extend for a term of not more than 50 years or such longer period as shall be the period of duration of any ownership or operation agreement relating to a Project from which bulk electric power and energy is derived.

(b) Payment of charges. All rates, fees, tolls, and charges payable by a Municipality shall be made at the intervals and in the amounts agreed upon and set forth in the contract provided for by this Section. The contract may provide for the payment of amounts which shall be sufficient to enable the Authority to meet its expenses, interest and principal payments (whether at maturity or upon sinking fund redemption) for Bonds, Bond Anticipation Notes or Notes, reasonable reserves and the requirements of any rate covenant with respect to debt service coverage contained in any bond resolution or trust agreement or indenture of the Authority. The contract may also provide for the commencement of payments, not necessarily based directly on rates, to the Authority prior to the completion of the undertaking by the Authority of a Project. The contract may provide for the making of any payments while the Project is partially or wholly not in use and whether or not the Project has been or will be completed, is then operable, or is operating, and may provide that those payments shall not be subject to any reduction whether by offset or otherwise and shall not be conditioned upon the performances or nonperformance by any party of any agreement. The contract may also provide that if one or more Municipalities defaults in the payment of its obligation under any such contract, the remaining Municipalities which also have entered into such contracts shall be required proportionately to pay for and shall be entitled proportionately to use or otherwise dispose of the bulk electric power and energy entitlement of the defaulting Municipality. Reductions in the cost of wholesale power determined by an independent certified public accountant employed by each Municipality in accordance with standard utility practice to have been realized through purchases from the Authority shall be utilized by the Municipality in reducing retail electric rates charged to its customers, provided that revenues received from the rates and charges imposed by the Municipality for retail electric service shall be sufficient to pay the rates and charges of the Authority and to pay all of the Municipality's ownership costs of its electric distribution system and meet the requirements with respect to the maintenance of rates and charges of any financing agreements, covenants, or other arrangements heretofore or hereafter entered into by and binding upon the Municipality and to pay and provide for

those capital improvements reasonably necessary to provide adequate service to the Municipality's retail electric customers and to provide for the reasonable future expansion of the Municipality's electric distribution system. It is the intent of the Legislature that those Municipalities that enter into contracts with the Authority shall not use any part of the reductions in the costs of wholesale power realized by them for the purpose of making any payments to other public persons, in lieu of taxes or otherwise, unless and only to the extent the Municipality has, prior to entering into the contract with the Authority, incurred a binding obligation to make such payments.

(c) **Indemnity.** The contract provided for by this Section may obligate the Municipality to indemnify and save harmless the Authority, the members of its Board, its officers or its employees from any and all damage to Persons and property occurring on or by reason of the Project and to undertake, at the expense of the Municipality, the defense of any action brought against the Authority by reason of injury or damages to Persons or property occurring on or by reason of the Project.

(d) **Enforcement of performance.** In the event of any failure or refusal on the part of a Municipality to perform punctually any covenant or obligation contained in the contract provided for by this Section, the Authority may have the Municipality's performance enforced by any legal or equitable process, including specific performance.

Section 18. Revenues of the Authority.

(a) **Rates.** For the purpose of earning sufficient Revenues to make possible the payment of all ownership costs of the Authority relating to any Project, the Authority is authorized, empowered and directed to fix and revise rates and collect fees, tolls, and other charges with respect to each Project which it shall cause to be acquired or constructed. Such rates, fees, tolls, and other charges to be paid for the output, capacity, use or service of each Project and other resources of the Authority shall be so fixed and adjusted from time to time as to provide funds at least sufficient with other Revenues, if any, of the Authority and of each of its Projects:

(1) To pay the costs of operating, maintaining, leasing, repairing, and disposing of Projects, including reserves for insurance and extraordinary repairs, reserves for renewals and replacements, reserves for fuel, reserves for working capital, reserves for the improvement, replacement, expansion or disposition of the Project, taxes or payments in lieu of taxes or reserves therefor and other reserves required by the resolution, trust agreement or indenture pertaining to the Bonds, Bond Anticipation Notes or Notes and the issuance thereof

unless those costs shall be otherwise provided for; the cost of maintaining, operating, and conducting the business of the Authority, including salaries, fees for professional services, including accounting, engineering, legal, financial and others, and all expenses properly relating to the conduct of the affairs of the Authority; the cost of power, whether generated by the Authority or acquired from others, and all other costs associated with the operation of the Authority and its Projects;

(2) To pay the principal of and interest on all Bonds, Bond Anticipation Notes and Notes, as they shall become due, including call premium, if any, the proceeds of which shall have been or will be used to pay the Costs of any Project, and to pay any other obligations of the Authority;

(3) To comply with any debt service reserve requirements contained in any resolution, trust agreement or indenture pertaining to the issuance of any Bonds, Bond Anticipation Notes or Notes;

(4) To perform fully all provisions of any resolution, trust agreement or indenture relating to the issuance of any Bonds, Bond Anticipation Notes or Notes to the payment of which the Revenues are pledged;

(5) To provide for the accumulation of any excess Revenues to provide any debt service coverage which may be required by the purchasers of the Bonds, Bond Anticipation Notes or Notes or may be dictated by the requirements of the resolution, trust agreement or indenture pertaining to the issuance of the Bonds, Bond Anticipation Notes or Notes or may be desirable in order to achieve ready marketability of and low interest rates on the Bonds, Bond Anticipation Notes or Notes; and

(6) To pay any expenses in connection with the issuance of Bonds, Bond Anticipation Notes or Notes or any Project, including but not limited to, trustee's fees and fiscal agent's fees.

The Authority shall not operate or construct any Project for profit except insofar as any such profit will inure to the benefits of the public. It shall fix rates, fees, tolls and other charges consistent with this declaration of policy such as will produce Revenues only in amounts sufficient, together with all other Revenues of the Authority, to pay all costs and meet all obligations and other requirements described in this subsection.

(b) Assignment to trustee. The Authority shall be permitted to assign any payments due or to become due to the Authority pursuant to the contract described in Section 17 of this Act to any trustee or paying agent required by the terms of any resolution, trust agree-

ment or indenture relating to the issuance of and security for any Bonds, Bond Anticipation Notes, or Notes.

(c) **Use of Revenues.** The use and disposition of the Authority's Revenues shall be subject to the provisions of any resolution authorizing the issuance of any Bonds, Bond Anticipation Notes or Notes, or of the trust agreement or indenture, if any, securing any Bonds, Bond Anticipation Notes or Notes.

Section 19. Pledge of Revenues. All or any part of the gross or net Revenues derived from any particular Project or Projects, whether or not such Revenues were produced by a particular Project for which Bonds have been issued, and any income and earnings otherwise received by the Authority from whatever source, and any other funds of the Authority, may be pledged by the Authority to the payment of the principal of and interest on Bonds as may be provided in any resolution authorizing the issuance of any Bonds or in any trust agreement or indenture pertaining to those Bonds. The funds so pledged may include funds received from one or more or all sources and may be set aside at regular intervals into sinking funds for which provision may be made in any resolution, trust agreement or indenture pertaining to the Bonds. These sinking funds may be pledged to and charged with the payment of (1) the interest on the Bonds as it shall become due, (2) the principal of the Bonds as they shall mature, or as they are required to be redeemed, (3) the necessary charges of any trustee or paying agent or registrar for the Bonds, and (4) any premium upon Bonds retired upon call or purchase, and the use and disposition of any sinking fund may be subject to regulations for which provision may be made in the resolution, trust agreement or indenture pertaining to the Bonds.

Section 20. Trust agreement. In the discretion of the Authority, any issue of Bonds may be secured by a trust agreement or indenture made by the Authority with a corporate trustee, which may be any trust company or bank within or without the State having the powers of a trust company. The trust agreement or indenture may pledge or assign any Revenues to be received by the Authority and any proceeds which may be derived from the disposition of any real or personal property of the Authority or proceeds of insurance carried thereon. The resolution providing for the issuance of Bonds and the trust agreement or indenture may contain any provisions the Authority deems necessary or appropriate for protecting and enforcing the rights and remedies of the bondholders, including the right of appointment of a receiver upon default in the payment of any principal or interest obligation and the right of any receiver or trustee to enforce collection of any rates, fees, tolls, charges, or Revenues for the output, capacity, use, or service of the Project necessary to pay all costs of

operation and all reserves provided for, the principal of and interest on all Bonds of the issue, all costs of collection, and all other costs reasonably necessary to accomplish the collection of such sums in the event of any default of the Authority. The resolution, trust agreement or indenture may include covenants setting forth the duties of the Authority in relation to the acquisition of property for and construction of the Project and to the custody, safeguarding, and application of all funds of the Authority, including any proceeds derived from the disposition of any real or personal property of the Authority or proceeds of insurance carried thereon, and covenants providing for the operation, maintenance, repair, and insurance of the Project, and may contain provisions concerning the conditions, if any, upon which additional Bonds may be issued. The resolution, trust agreement or indenture may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action of any bondholder as is customary in securing bonds and debentures of corporations and may contain any other provisions that the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the trust agreement or indenture may be treated as a part of the cost of maintenance, operation, and repair of the Project affected by the trust agreement or indenture; provided, however, any such treatment shall not result in a charge against the interest of any joint owner of the electric generation, transmission or distribution facilities, a portion of which facilities constitutes the Project.

Section 21. Proceeds of Bonds. Proceeds of the Bonds issued under authority of this Act shall be used solely for the payment of the Costs of a Project or combined Projects, and any other corporate purposes of the Authority, and shall be disbursed upon requisition or order of the Persons and under such restrictions as the resolution authorizing the issuance of the Bonds or the trust agreement or indenture may provide. If the proceeds of the Bonds of any issue shall exceed the amount required for the purpose for which the Bonds are issued, the surplus shall be paid into the fund provided for the payment of principal of and interest on the Bonds. In the discretion of the Authority, Bonds of a single issue or series of any issue may be issued for the purpose of paying the Costs of any one or more Projects, including a combination of Projects.

Section 22. Issuance of Bond Anticipation Notes and Notes. The Authority shall have the power and is authorized to issue, from time to time, Bond Anticipation Notes in anticipation of the issuance of Bonds and to renew from time to time any Bond Anticipation Notes by the issuance of new Bond Anticipation Notes, whether the Bond Anticipation Notes to be renewed have or have not matured. The Authority may issue Bond Anticipation Notes only to

provide funds which would otherwise be provided by the issuance of the Bonds in anticipation of which the Bond Anticipation Notes are to be issued. The Bond Anticipation Notes may be authorized, sold, executed, and delivered in the same manner as Bonds. Any resolution or resolutions authorizing Bond Anticipation Notes or any issue thereof may contain any provisions which the Authority is authorized to include in any Bonds. All Bond Anticipation Notes shall be special obligations of the Authority payable out of any Revenues pledged to the payment of, or the proceeds to be derived from the issuance of, the Bonds in anticipation of the issuance of which the Bond Anticipation Notes shall have been issued. Validation of the Bonds shall not be a condition precedent to the issuance of any Bond Anticipation Notes, and it shall not be required that those Bond Anticipation Notes be judicially validated. Bond Anticipation Notes shall not be issued in an amount exceeding the principal amount of the Bonds in anticipation of which they are to be issued. The Authority shall also have the power and is also authorized to issue, from time to time, its Notes, which Notes shall not be conditioned upon, and need not be related to, the anticipated issuance of Bonds, for the purpose of providing funds for any of its corporate purposes. Notes may be authorized, secured, sold, executed and delivered in the same manner as Bonds and shall be issued in such principal amounts as the Authority shall determine. In the discretion of the Authority, Bond Anticipation Notes and Notes may be validated in the same manner as Bonds.

Section 23. Trust funds. All funds received by the Authority pursuant to this Act, whether as proceeds from the sale of Bonds, Bond Anticipation Notes or Notes or as Revenues, fees, tolls, or other charges, or as gifts, grants, or other contributions, shall be deemed to be trust funds to be held and applied solely as provided in this Act or in any bond resolution, trust agreement or indenture authorized herein.

Section 24. Jurisdiction of actions. Any action to protect or enforce any rights under the provisions of this Act shall be brought in the Circuit Court of Montgomery County, Alabama, which shall have exclusive original jurisdiction of all such actions.

Section 25. Public Service Commission. The Authority shall be subject to the provisions of Title 37, Code of Alabama 1975 to the extent set out herein. The Public Service Commission shall review all bond resolutions, power sales contracts and other agreements entered into by the Authority and any Municipality and any investor-owned utility presently regulated by the Public Service Commission that may affect the rates of the Authority in order to determine if the rates to be charged by the Authority pursuant to such resolutions, contracts and other agreements are reasonable and in the public

interest; such bond resolutions and contracts shall not be effective if the rates to be charged by the Authority as provided therein are disapproved by the Public Service Commission within thirty days after submission of such resolutions, contracts and other agreements by the Authority to the Commission. In determining whether to approve any rates to be charged by the Authority pursuant to such bond resolutions, contracts, or other agreements, the Public Service Commission shall consider the purpose for which the Authority is established, the provisions of Section 18 of this Act and the need to: (1) encourage conservation of energy supplied by the Authority, (2) encourage the optimization of the efficiency of use of facilities and resources and (3) promote equitable rates to electric consumers. The Public Service Commission shall approve accounting regulations for the Authority, which regulations shall be consistent with the accounting regulations established generally in other states for entities similar to the Authority, taking into account the provisions of this Act with respect to the payment of all costs associated with the production of electricity by the Authority and the payment of any securities issued by it to finance facilities to be owned by the Authority.

The Public Service Commission shall prescribe minimum standards regarding the placement and construction of transmission lines, substations and related facilities used in the transmission of electricity that are owned and operated by the Authority.

No plant, property or facility for the production, transmission, delivery or furnishing of electricity shall be constructed by the Authority if such facility is to be owned exclusively by the Authority until the issuance by the Public Service Commission of a certificate of convenience and necessity pursuant to Section 37-4-28, Code of Alabama 1975.

Section 26. Irrevocable contract. The provisions of any bond resolution, trust agreement or indenture authorized in this Act shall be a contract with every holder of the Bonds, Bond Anticipation Notes or Notes; and the duties of the Authority under this Act and under any bond resolution, indenture, or trust agreement shall be enforceable by any bondholder or noteholder by mandamus or other appropriate action. While any of the Bonds, Bond Anticipation Notes or Notes issued by the Authority shall remain outstanding, the powers, duties, or existence of the Authority or of its officers, employees, or agents shall not be diminished, impaired, or affected in any manner which will affect adversely the interest and rights of the holders of those Bonds, Bond Anticipation Notes or Notes. Any change in name or composition of the Authority shall in no way affect the vested rights of any Person under the provisions of this Act or impair the

obligations of any contracts existing under this Act. The provisions of this Act shall be for the benefit of the State, the Authority and every owner of the Authority's Bonds, Bond Anticipation Notes and Notes and, upon and after the issuance of Bonds, Bond Anticipation Notes or Notes under the provisions of this Act, shall constitute an irrevocable contract by the State with the owners of such Bonds, Bond Anticipation Notes and Notes.

Section 27. Dissolution of Authority. When all Bonds, Bond Anticipation Notes and Notes issued by the Authority under the provisions of this Act shall have been paid in full or otherwise satisfied, or when its obligations cease under every contract described in this Act, whichever is later, the then chairman of the Authority may, upon authorization of two-thirds (2/3) of the membership of the Board, thereupon execute and deliver in the name of and in behalf of the Authority an appropriate deed, or deeds, or other appropriate instruments of conveyance, to which the seal of the Authority shall be affixed and attested by the secretary-treasurer of the Authority, whereby there shall be conveyed to the Municipalities at that time represented on the Election Committee, in the proportion that each Municipality's then existing voting power on the Election Committee bears to the total then existing voting power of all Municipalities represented on the Election Committee, all the Projects, buildings, properties and other assets then owned by the Authority. The then members of the Board shall at that time file with the Secretary of State a written statement, subscribed and sworn to by each of them, reciting the payment in full of all Bonds, Bond Anticipation Notes and Notes theretofore issued by the Authority and the execution and delivery of any deed, deeds or other instruments of conveyance to the above-described Municipalities, which statement shall be filed by the Secretary of State and recorded with the certificate of incorporation of the Authority, whereupon the Authority shall stand dissolved. There shall be no fees paid to the Secretary of State for any work done in connection with the dissolution of the Authority.

Section 28. Exemption from Alabama Sunset Law of 1976. The Authority shall not be governed by the provisions of Chapter 20 of Title 41 of the Code of Alabama 1975 (originally enacted as Act No. 512 of the 1976 Regular Session of the Legislature of Alabama).

Section 29. Exemption from Competitive Bid Laws. No contract made by or on behalf of the Authority, and no contract made by a Municipality pursuant to Section 17 of this Act, shall be governed by the provisions of Title 41, Chapter 16, Code of Alabama 1975, as amended.

Section 30. Construction. This Act, being for the welfare of the State and its inhabitants, shall be liberally construed to effect the purposes hereof.

Section 31. Effectiveness of pledges and security interests. Any pledge or security interest created or granted by the Authority shall be valid and binding from the time when the same is made; moneys or property which are the subject of such pledge or security interest and then held or thereafter received by the Authority shall immediately be subject to such pledge or security interest without any physical delivery thereof or further act; and such pledge or security interest shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether or not such parties have notice thereof. Neither the bond resolution, trust agreement or indenture nor any other instrument relating to Bonds, Bond Anticipation Notes or Notes or otherwise creating or granting any such pledge or security interest need be filed or recorded in any office other than with the records of the Authority.

Section 32. Powers declared supplementary. The provisions of this Act shall be regarded as supplementary and additional to and cumulative of powers conferred by other laws and shall not be regarded as being in derogation of any powers now existing.

Section 33. Conflicting laws. All laws and parts of laws in conflict with any of the provisions of this Act are hereby expressly repealed or modified to the extent necessary to carry out the provisions of this Act.

Section 34. Severability. In the event any portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining portions of this Act, which shall continue effective; provided, however, that if Section 7 hereof or any portion of Section 7 is held invalid or unconstitutional or if the payments in lieu of taxation provision set out in Section 7 is for any reason determined to be unenforceable in a legal proceeding related to the initial issuance of bonds, bond anticipation notes or notes of the authority, then the entire Act shall be invalid and ineffective and shall not be law.

Section 35. Effective date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 18, 1981

Time: 6:30 P.M.

Act No. 81-682

S. 129—Mr. Teague

AN ACT

To amend Section 40-23-50, Code of Alabama 1975, in order to exempt from the gross receipts tax levied therein amounts paid to road contractors under contractual escalation provisions for escalations in the cost of fuels, materials, and/or labor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-50, Code of Alabama 1975, is hereby amended so as to read as follows:

“(a) There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected, as herein provided, a privilege or license tax against the person on account of the business activities engaged in and in the amount to be determined by the application of rates against gross receipts, as follows:

“Upon every person, firm or corporation engaged or continuing within this state in the business of contracting to construct, reconstruct or build any public highway, road, bridge or street, an amount equal to five percent of the gross receipts of any such business; provided, that the gross receipts collected from work which was under contract on October 1, 1971, shall be taxed at an amount equal to one percent of such gross receipts.

“(b) The proceeds of the taxes levied by this section, after deduction of the cost of administration and collection of such taxes, shall be distributed as follows:

“(1) Fifteen percent of the residue remaining after deduction of the cost of administration and collection shall be paid into the state treasury and shall be credited to the pensions and security trust fund to be used for general welfare purposes, and

“(2) Eighty-five percent of the residue remaining after deduction of the cost of administration and collection shall be paid into the state treasury and shall be credited to the Alabama special mental health fund to be used for mental health purposes.

“(c) The taxes imposed pursuant to this section shall constitute a debt due the state and may be collected by civil action, in addition to all other methods provided by law and in this section. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to pay said taxes. All provisions of the revenue laws of this state which apply to the enforcement of liens for license taxes due the state shall apply fully to the collection of the taxes levied herein, and the department of revenue shall collect such taxes and enforce this section and shall have

and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state sales tax. All provisions of the state sales tax, with respect to definitions, payment and assessment of the state sales tax, making of reports and keeping and preserving records with respect thereto, interest after the due date of tax, penalties for failure to pay tax or otherwise complying with the state sales tax statutes, the promulgation of rules and regulations and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this section when applied to the tax levied pursuant to subsection (a) of the section, shall apply to the tax levied herein. The commissioner of revenue and the state department of revenue shall have and exercise the same powers, duties and obligations with respect to the taxes levied herein as are imposed on the commissioner and the department by the state sales tax statutes. All provisions of the state sales tax statutes that are made applicable in this section to the taxes levied herein and to the administration of this section are incorporated herein by reference and made a part hereof as if fully set forth herein; provided, that the provisions of the state sales tax with respect to the collection by the taxpayer of the tax levied therein shall not apply, the taxes levied herein being levied against the person required to pay the tax to the state.

“(d) The taxes levied herein shall not apply with respect to the sale, use, storage or consumption of tangible personal property taxes by the provisions of the sales tax law, or the provisions of section 40-23-61, nor to contracts made by the contractor with any incorporated city or town, nor to any contracts to which any county of the state of Alabama is a party, nor to that portion of the gross receipts received by the contractor constituting additional amounts paid to the contractor under contractual escalation provisions allowing for an increase in the contract price for escalations in the cost of fuels, materials, and/or labor.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-683

S. 35—Mr. Vacca

AN ACT

To make an additional appropriation to the Alabama Liquefied Petroleum Gas

Board from the Alabama Liquefied Petroleum Gas Board Fund, for salaries and certain other expenses for the fiscal year ending September 30, 1981.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Alabama Liquefied Petroleum Gas Board from the Alabama Liquefied Petroleum Gas Board Fund, in addition to all other funds heretofore appropriated, the sum of \$28,000.00 for salaries, operation, purchase of equipment and purchase of an automobile for the fiscal year ending September 30, 1981.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-684

S. 41—Mr. Keener

AN ACT

To amend Sections 12-17-140, 12-17-142, 12-17-143 and 12-17-147, Code of Alabama 1975, which relates to the supernumerary fund of clerks and registers of the circuit court, so as to: Require that the salary of each supernumerary clerk or register be paid on a bi-weekly basis; to place the clerks' and registers' supernumerary fund under the management and control of the employees' retirement system of Alabama; to provide that the secretary-treasurer of the employees' retirement system of Alabama shall invest such fund; to provide for refunds of contributions and accrued interest.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-17-142, Code of Alabama 1975, is amended to read as follows:

“Section 12-17-142.

“Every such supernumerary official shall serve for life and shall receive an annual salary in the amount provided by law, payable in equal installments on a bi-weekly basis.”

Section 2. Section 12-17-143, Code of Alabama 1975, is amended to read as follows:

“Section 12-17-143.

“Officials electing to come under the provisions of this article shall contribute to the clerks' and registers' supernumerary fund of the state of Alabama, which is hereby created, in amounts to be determined as follows:

“(1) Circuit Clerks shall contribute four and one-half percent of the total per annum state compensation for the circuit clerk in the county of residence of said clerk.

“(2) Circuit registers shall contribute four and one-half percent of the total per annum state compensation for the circuit register in the county of residence of said register.

“(3) The clerks’ and registers’ supernumerary fund is hereby placed under the management and control of the employees’ retirement system of Alabama. The secretary-treasurer of the employees’ retirement system of Alabama is charged with the responsibility for investment of the fund and for the development and maintenance of administrative procedures involving member records, benefits, investment of funds, and other administrative functions necessary to the operation of the clerks’ and registers’ supernumerary fund.”

Section 3. Section 12-17-147, Code of Alabama 1975, is amended to read as follows:

“Section 12-17-147.

“Should the service of the circuit clerk or register be terminated for any reason other than death prior to the time he is entitled to receive supernumerary benefits under this division, such circuit clerk or register shall have the right to elect to withdraw from the supernumerary fund and to have refunded his contributions plus accrued interest thereon under the same rules, regulations and rates applicable to similar refunds of contributions under the employees’ retirement system of Alabama. If service is terminated by death, the refund on contributions and accrued interest is payable to the clerk’s or register’s designated beneficiary.

“If a circuit clerk or register who has assumed supernumerary status dies prior to receiving supernumerary benefits equal to his total contributions plus accrued interest thereon which was credited to the member’s individual account at the time of assuming supernumerary status, the remaining portion of his contributions and accrued interest is payable to the clerk’s or register’s beneficiary.

“Any prior service credit obtained by a clerk or register pursuant to Section 12-17-144, Code of Alabama 1975, shall be included in computing the total number of years of the clerk’s or register’s participation in the clerks’ and registers’ supernumerary fund.”

Section 5. This Act shall become effective on the first day of the next month following passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-685

S. 108—Mr. St. John

AN ACT

To require the chief administrative official of each hospital to report to the Alabama State Board of Medical Examiners any disciplinary action taken concerning any physician when such action is related to professional ethics, medical incompetence, moral turpitude, or drug or alcohol abuse; to define disciplinary action; to require the report to be in writing and made within sixty (60) days of the date of the action; to require any professional society of physicians which takes formal disciplinary action against a member to report such action to the Alabama State Board of Medical Examiners when the action taken is related to professional ethics, medical incompetence, moral turpitude or drug or alcohol abuse; to require the report to be in writing and made within (60) days of the action; to provide that any report made pursuant to this act shall be privileged from discovery; and to provide that the individual making the report shall be immune from liability.

Be It Enacted by the Legislature of the State of Alabama:

Section 1.

The chief administrative officer of each hospital shall report to the Alabama State Board of Medical Examiners any disciplinary action taken concerning any physician when such action is related to professional ethics, medical incompetence, moral turpitude, or drug or alcohol abuse. Disciplinary action shall include termination, reduction or resignation of hospital privileges for any of the above reasons. The report shall be in writing and be made within sixty (60) days of the date of the action.

Section 2.

Any professional society within this State comprised primarily of physicians, which takes formal disciplinary action against a member shall report said action to the Alabama State Board of Medical Examiners, when the action taken is related to professional ethics, medical incompetence, moral turpitude or drug or alcohol abuse. This report shall be in writing and made within sixty (60) days of the action.

Section 3.

Any report made pursuant to this act shall be privileged from discovery and the individual making the report shall be immune from liability.

Section 4.

Repeal — All laws or parts of laws which conflict with this act or any of its provisions are, to the extent of such conflict, hereby repealed.

Section 5.

Severability — The provisions of this act are severable. If any portion of this act be held unconstitutional or invalid, it shall not affect any portion of this act not in itself unconstitutional or invalid.

Section 6.

Effective date — This act shall take effect on July 1, 1981.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-686

S. 166—Mr. Keener

AN ACT

To amend Sections 16-24-7 and 16-24-10, Code of Alabama, 1975 relating to hearings before the Alabama State Tenure Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-24-7, Code of Alabama, 1975, shall be amended as follows:

“Section 16-24-7. Same—Appeal. A teacher on continuing service status shall have the right to appeal within 15 days after the decision of the employing board to the state tenure commission, as hereinafter established, to obtain a decision by the commission as to whether such action was in compliance with this chapter and whether such action was taken for political or personal reasons and that such action was not arbitrarily unjust. If said appeal is not taken within 15 days after the decision of the board, the board’s decision shall be final. Such appeal shall be taken by filing a notice of appeal with the commission and a copy with the employing board. Such appeal shall be heard not less than 30 days nor more than 60 days after such notice of appeal is filed with the commission, and the commission shall give such teacher not less than five days’ notice of the time and place of such hearing. Such teacher shall have a right to appear with or without counsel and shall have a right to present argument to the commission based on the record of the proceedings before the employing board. No transfer shall be effected until the time for filing notice of appeal has expired and if notice of appeal is filed by said teacher not until after a hearing is held and the state tenure commission has evidenced its approval of the transfer of said teacher. The action of the state tenure commission shall be final and conclusive in determining all questions relative to said transfer and shall be based on the record of the proceedings before the said board and the evidence as

recorded at such hearing.”

Section 2. Section 16-24-10, Code of Alabama, 1975, shall be amended as follows:

“Section 16-24-10. Same—Finality of action of employing board; appeals; damages for breach of contract.

(a) The action of the employing board shall be final in its action on cancellation of a teacher’s contract; provided, that such action was in compliance with the provisions of this chapter and was not arbitrarily unjust.

(b) The teacher shall have the right to appeal to the state tenure commission, as hereinafter established, to obtain a review by the commission as to whether such action was in compliance with this chapter and whether such action was arbitrarily unjust. Such appeal shall be taken by filing within 15 days after the decision of the employing board a written notice of appeal with the superintendent or chairman of said board. If said appeal is not taken within 15 days after decision of the board, the board’s decision shall be final. Upon notice of appeal, the board shall cause to be made sufficient copies of the record of proceedings to provide a copy for each of the members of the commission and one for the teacher. The record shall consist of all notices given to the teacher, all paper filed with the board by the teacher in compliance with the provisions of this chapter, transcript of testimony and other evidence and the findings and decisions of the board. The requisite number of copies of the record shall be delivered to the commission and to the teacher within 30 days from the day of the filing of the notice of appeal. The commission shall set a date for the hearing at which the board and the teacher, or a representative of each, shall have an opportunity to be heard. The date of such hearing shall be not less than 30 days nor more than 60 days after such notice of appeal is filed, and the teacher and the board shall be given at least five days’ notice of the time and place where the appeal will be considered. On said appeal the commission will consider the case on the record of the proceedings before the said board and the evidence as recorded at such hearing. The commission shall by a majority vote determine the validity of the action by the board and shall render its decision within five days after its hearing.

(c) No action shall lie for the recovery of damages for the breach of any employment contract of a teacher in the public schools.”

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration

shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-687

S. 240—Mr. Gullledge

AN ACT

To amend Section 5-5A-19, Code of Alabama 1975, which relates to the amount of reserve that a bank which is not a member of the Federal Reserve System is required to maintain and to repeal the provisions fixing minimum and maximum amount of required reserves.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of Section 5-5A-19, Code of Alabama 1975, as amended, are amended so as to read as follows:

“ § 5-5A-19. Reserves.

“(a) A bank which is not a member of the federal reserve system shall maintain at all times a reserve fund in an amount fixed by resolution of the banking board. The amount of the required reserve for each day shall be computed on the basis of average daily deposits covering such biweekly or shorter periods as shall be fixed by resolution of the banking board. This reserve shall consist of cash on hand and demand deposits due from other banks.

“(b) A bank shall give written notice to the superintendent, in the manner prescribed by the superintendent for such notice, of any deficiency in the amount or form of the reserve fund required by this section within three business days after the close of any scheduled averaging period during which deficiency occurs. Such bank shall pay to the superintendent a fee because of this deficiency which shall be fixed by the banking board. All such fees shall be paid into the special fund set up by the state treasurer pursuant to section 5-2A-20.

“(c) A bank which is a member of the federal reserve system shall maintain at all times a reserve fund in accordance with the requirements applicable to a member bank under the laws of the United States.”

Section 2. This act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-688

S. 299—Mr. St. John

AN ACT

To amend Section 11-50-15, Code of Alabama, 1975, to authorize an increase in the fees paid to directors of public corporations operating water systems, gas systems, electric systems or combinations of such systems; establishing an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-50-15, Code of Alabama, 1975, is amended to read as follows:

“§ 11-50-15. Fees of Directors.

“In any instance where a public corporation heretofore or hereafter organized pursuant to the provisions of sections 11-50-231 through 11-50-238, 11-50-240 and 11-50-241 as amended, or under the provisions of sections 11-50-310 through 11-50-318 and 11-50-320 through 11-50-324 owns and operates one or more utility systems, the board of directors of such corporation may at its election authorize the payment by such corporation of the following directors’ fees to the members of the said board of directors in lieu of the directors’ fees authorized in the statute under which such corporation was organized: No fee shall be paid to any director for services rendered with respect to a sanitary sewer system. In any instance when the system or systems owned and operated by the corporation are any one or more of a water system, a gas system and an electric system, the chairman of the board of directors may be paid a directors’ fee in an amount not exceeding \$125.00 each month for one such system and \$25.00 each month for each additional system, and each member of the board of directors other than the chairman may be paid a director’s fee in an amount not exceeding \$100.00 each month for each system and \$20.00 each month for each additional system; provided, that were the municipality with respect to which the corporation was primarily organized has less than 5,000 inhabitants according to the most recent official census, the maximum total amount of directors’ fees which may be paid to the chairman of its board of directors shall not exceed \$125.00 during any month, and the maximum total amount of directors’ fees which may be paid to any other member of the board of directors shall not exceed \$100.00 during any month.

“Upon the adoption of a resolution by the board of directors of such corporation electing to come within the provisions of this section and fixing the amount of the directors’ fees to be paid within the limitations set forth in this section, the corporation shall thereafter be authorized to pay the fees so fixed.”

Section 2. This act shall become effective on the first day of the second month after its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-689

S.J.R. 241—Mr. Hilliard

SENATE JOINT RESOLUTION

COMMENDING THE JACKSON-OLIN HIGH SCHOOL SOCCER TEAM FOR WINNING THE STATE SOCCER CHAMPIONSHIP.

WHEREAS, Frederick Earl Hilliard served as co-captain and was the most improved player on the Jackson-Olin High School Soccer Team scoring the winning point in the State Championship game; and

WHEREAS, Frank Davis served as co-captain and was named as one of the top five soccer players in the State; and

WHEREAS, Roderick Hudson served as co-captain and was known as the player with “the strong foot” and was a good team leader; and

WHEREAS, Glenn Grear served as co-captain and was a good and dependable team player for four years; and

WHEREAS, Ricky Hunter was a quick player with ability and was a good team player for three years; and

WHEREAS, Tim Burl served as goalie and was the best defensive player on the team and in the State and only allowed two (2) scores against the team for the 1980-81 school year; and

WHEREAS, Demetrius Hampton was a good team player and gave the team inspiration, and served as the intellectual leader of the team; and

WHEREAS, Marcus Warren was Mr. Academic Leadership of the team as well as a good player; and

WHEREAS, Jerome Jackson served as "Head Coach" of the Soccer Team and was successful in guiding the team to its first State Soccer Championship.

BE IT RESOLVED BY THE LEGISLATURE, That Coach Jackson and the players of Jackson-Olin High School be commended for winning the State Championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Coach Jackson and the dedicated members of the Soccer Team of Jackson-Olin High School.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-690

S.J.R. 242—Mr. Hilliard

SENATE JOINT RESOLUTION

COMMENDING THE OUTSTANDING ATHLETES OF JACKSON OLIN HIGH SCHOOL.

WHEREAS, Marvin Ray Johnson was voted the most valuable basketball player and received the honor by being named to the All City and All State basketball teams and served as Captain of the baseball team and received a basketball grant-in-aid scholarship to the University of Alabama in Birmingham; and

WHEREAS, Robert Guyton received honors by being named to the All City basketball team; and

WHEREAS, Maurice Ford pitched for the three years and played first and second bases on the Jackson Olin baseball team and had the highest batting average on the team and has received a grant-in-aid scholarship from Tennessee State University; and

WHEREAS, Randy Erskin played excellently as a short stop for four consecutive years on the baseball team and has earned a grant-in-aid scholarship to Mississippi Valley University; and

WHEREAS, Robert Guyton served as leading pitcher and first basemen for two years; and

WHEREAS, Garry Woods served as the most dependable catcher for the Jackson Olin baseball team for four years and was recognized as one of the best catchers in the City of Birmingham and received a grant-in-aid from Tennessee State University; and

WHEREAS, The following players were the best group of athletes in the State of Alabama for 1980-1981: Samuel Ansley, Jesse Bender, Katrina Billups, Tony Black, Eric Brooks, Timothy Burl, Virgil Cade, Derrick Clark, William Cole, Cedric Collier, Glenn Crear, Frank Davis, Randy Erskine, Michael Escott, Andrew Fields, Maurice Ford, Marchette Gulley, Robert Guyton, Demetrius Hampton, Darryl Harris, Frederick Hilliard, Waymond Hill, Wanda Hollis, Rienrick Hunter, Roderick Hutchinson, Chris Johnson, Martha Johnson, Marvin Johnson, Reginald Jones, Tonya Loyd, Eddie Marbury, Kenneth May, Wanda May, Michelle McBride, Veon Moore, Walter Montgomery, Frank Myers, Valeria Nelson, Monica Patton, Deno Peterson, Eddie Purdue, Cynthia Ray, Zerry Robinson, Jason Smith, Patricia Snow, Patrick Spencer, Roderick Wade, Marcus Warren, Vincent White, Frank Williams, Randy Williams and Gary Woods.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES CONCURRING, That we most heartily congratulate the outstanding athletes of Jackson Olin High School.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Jackson Olin High School and to the Coaches and to each team.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-691

S.J.R. 243—Mr. Hilliard

SENATE JOINT RESOLUTION

COMMENDING JACKSON OLIN HIGH SCHOOL FOR AN OUTSTANDING ATHLETIC YEAR.

WHEREAS, Jackson Olin High School won the Birmingham City Basketball Championship and represented its area in the State Class 4-A Basketball tournament for the school year 1980-1981; and

WHEREAS, Jackson Olin girls won the Berry Relays, the Mountain Brook Invitation and the Birmingham City Track and Field Championship; and

WHEREAS, Jackson Olin Baseball team was runner-up in the Jefferson County baseball playoff; and

WHEREAS, Jackson Olin Soccer team won the Birmingham City, the Jefferson County and the State of Alabama Soccer Cham-

pionship for 1981-1982 with Frederick Earl Hilliard scoring the winning point.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES CONCURRING, That we most heartily congratulate the Jackson Olin High School on its outstanding athletic year.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Jackson Olin High School and to the Coaches and to each team.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-692

H. 20—Rep. Bennett

AN ACT

To amend Section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of public employees for certain national health services, so as to include certain other associations within the definitions of charitable organizations as used in this section.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-1-4.1, Code of Alabama 1975, is hereby amended to be read as follows:

“§ 36-1-4.1. (a) As used in this section, the following words and phrases shall have the following meanings, unless the context otherwise requires:

“(1) Charitable Organizations. All local United Way Agencies and the following national health agencies:

“Alabama Association for Retarded Citizens;

“Alabama Society for Crippled Children and Adults;

“American Cancer Society;

“American Diabetes Association;

“American Heart Association;

“American Kidney Fund;

“American Lung Association of Alabama;

“Arthritis Foundation;

“Cystic Fibrosis Foundation;

"Epilepsy Foundation of America;
 "Hemophilia of Alabama;
 "Muscular Dystrophy Association;
 "Myasthenia Gravis Foundation, Alabama Chapter;
 "National Association for Sickle Cell Disease;
 "National Foundation—March of Dimes;
 "National Multiple Sclerosis Society;
 "National Retinitis Pigmentosa Foundation; and
 "United Cerebral Palsy Association;

"(2) Enrollment Period. The time during which the charitable organization conducts an annual consolidated effort to secure funds.

"(b) The payroll clerk or other responsible person in charge of payroll may deduct from the salary or wages of a state officer or employee an amount specified by the officer or employee for payment to a charitable organization if:

"(1) The request for the payroll deduction is made in writing during the enrollment period for the charitable organization; and

"(2) The deduction shall not continue in effect for a period of time exceeding one year unless a new written request is filed according to the requirements of this section; and

"(3) The pay period during which the deduction is made, the frequency and the amount of the deduction are compatible with the payroll system.

"(c) Moneys deducted pursuant to this section shall be paid monthly to the appropriate charitable organization. The deduction may be made notwithstanding that the compensation actually paid to the officer or employee is reduced to an amount below the minimum prescribed by law. Payment to an officer or employee of compensation less the deduction shall constitute a full and complete discharge of claims and demands for services rendered by the employee during the period covered by the payment.

The request for the deduction may be withdrawn at any time by filing a written notification of withdrawal with the responsible official in charge of the payroll system.

"(d) Nothing in this section shall be construed to allow deductions to any organization other than those charities listed herein."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise be-

coming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-693

H. 65—Letson

AN ACT

To amend Section 8-15-3, Code of Alabama 1975, relating to the filing fee for public warehouses; to amend Section 8-15-18, Code of Alabama 1975, relating to the requirement for fire and hazard insurance for raw agricultural commodities stored in public warehouses.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8-15-3, Code of Alabama 1975, is hereby amended to read as follows:

“§ 8-15-3. (a) The judge of probate of the county shall have no authority to issue a license permitting any one to transact business as a public warehouseman unless such person presents to the judge of probate a permit to transact such business issued by the commissioner of agriculture and industries showing that he has complied with all the provisions of the law and rules and regulations promulgated by the state board of agriculture and industries relative to public warehouses.

(b) Any person desiring to operate a public warehouse shall file with the commissioner of agriculture and industries, upon forms prescribed by him, a written application, verified by affidavit, which shall set forth the location and the name of such warehouse and the name of each person interested as owner or principal in the management of the same or, if it is managed or controlled by a corporation, the names of the president, secretary and treasurer of such corporation shall be stated, together with the location of the principal office of such corporation. Such application shall also state the character of goods or articles for the storage of which the public warehouse will be operated, and the estimated value of articles stored in such warehouse at the time, and during the preceding 12 months, when the value of the articles stored was the greatest.

(c) In the event cotton is stored in the warehouse, the verified application shall also state the number of bales of cotton stored therein during the 12 months next preceding the date of the application.

(d) Where no business has been done during the previous year,

the application must state an estimate of the value of the articles which it is anticipated will be stored during the first year in the warehouse.

(e) Such application shall also show what persons are authorized to sign receipts for the warehouse.

(f) A filing fee of \$50.00 shall accompany the application, which shall accrue to the credit of the agricultural fund to be used in defraying the expenses of executing the provisions of this chapter.

(g) The commissioner of agriculture and industries may issue a permit to a federally bonded warehouse upon the payment of the fee of \$50.00 without the filing of any bond with the state."

Section 2. Section 8-15-18, Code of Alabama 1975, is hereby amended to read as follows:

"Section 8-15-18. The Commissioner of Agriculture and Industries shall have power to require that all bales of cotton or other raw agricultural commodities, accepted for storage by a public warehouseman, other than cotton moving in transit to a compress to be compressed, shall be insured against destruction or damage by fire, and other hazards, or perils that could be incurred by such warehouseman, unless otherwise instructed in writing by the bailor."

Section 3. This Act shall become effective the next day following the next expiration date of permits presently required for operation of public warehouses.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-694

H. 369—Rep. Smith (J)

AN ACT

To authorize the tax assessor to assess property for tax purposes from January 1 through September 30 of each tax year, and the assessment becomes effective on the following October 1.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding any other law to the contrary, the county tax assessor may assess property for tax purposes and perform related tax assessing functions and requirements from January 1 to September 30 of each taxable year and the assessment shall become effective on the following October 1.

Section 2. All laws or parts of laws which conflict with this

act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-695

H. 392—Reps. Bedsole, Penry, Zoghby,
Stewart, Patton, Drinkard,
Harper (T), Clark (W), Buskey

AN ACT

To provide that certain handicapped individuals shall be granted distinctive license plate decals or identification placards for use in special parking places reserved for such persons; to authorize reciprocal agreements with other states regarding such parking places and to provide penalties for misuse and abuse of such parking places.

Be It Enacted by the Legislature of Alabama:

Section 1. For purposes of this act the term “handicapped individual” means any person having a permanent mental or physical handicap, which limits mobility to the extent that the individual would have difficulty safely walking alone a distance of fifty feet or more.

Section 2. Beginning with the implementation of the staggered system of motor vehicle license plate registration, any person who submits to the judge of probate, license commissioner or other issuing authority medical proof satisfactory to the Commissioner of Revenue that he or she is a handicapped individual, as herein defined, shall be issued a distinctive license plate decal and a special identification placard displaying the International Symbol of Access thereby designating the driver of the vehicle or the passenger as being a handicapped person. The distinctive license decals and placards provided herein shall be prepared by the Commissioner of Revenue and shall be issued in the same manner as motor vehicle license plates and the issuing officers shall be entitled to their regular fees for such services. Provided, however, the fee for these distinctive license decals and placards shall not be greater than the regular license tax prescribed by law. The Commissioner of Revenue is authorized to make any rules or regulations necessary to carry out the provisions of this act.

Section 3. The handicapped individuals to whom these

distinctive license decals and placards are issued shall be allowed to park for unlimited periods in parking zones designated for handicapped persons. Provided however, that such handicapped persons shall pay parking fees the same as any other person. The provisions of this section shall not apply to zones where stopping, standing, or parking is prohibited to all vehicles or which are reserved for special types of vehicles, nor will these provisions apply where there is a local ordinance prohibiting parking during heavy traffic periods during morning, afternoon, or evening rush hours, or where parking would clearly present a traffic hazard. All parking places for handicapped persons shall comply with ANSI A. 117.1 (1980) standards.

Section 4. Any person who is not a handicapped individual, as herein defined, and who willfully and falsely represents himself or herself as a handicapped person to obtain the distinctive decals and placards prescribed by this act or misuses or abuses the parking privilege protected by this act, or owns a vehicle bearing the distinctive license decals and is not entitled to do so under the provisions of this act, shall be guilty of a Class B misdemeanor and, upon conviction, shall be punished according to law.

Section 5. The Commissioner of Revenue is hereby authorized to enter into reciprocal agreements with other states concerning parking privileges for handicapped individuals.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective October 1, 1981.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-696 H. 414—Reps. Ray, Sandusky, Venable, Hammett
AN ACT

To amend Chapter 18 of Title 40, Code of Alabama 1975, to provide for the collection of debts owed to the State by setoff of such debts against income tax refunds; to define terms; to prescribe procedures for such setoff; to define terms; to prescribe procedures for such setoff; to provide for hearings and appeals in contested cases; to permit the department of revenue to transfer an amount equal to income tax refunds to a claimant agency for the purpose of offsetting such refunds against debts owed

to the claimant agency; to provide an effective date; to repeal conflicting laws; and for other purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Chapter 18 of Title 40, Code of Alabama 1975, is hereby amended by adding Article 3 to read as follows:

ARTICLE 3.

SETOFF DEBT COLLECTION

Section 40-18-86. Definitions.

For the purposes of this article, the following terms shall have the respective meanings ascribed by this section:

(a) "Claimant Agency" means only

(1) The Alabama Commission on Higher Education with respect to the collection of debts under

a. The Alabama Student Grant Program provided for by Act No. 90, 2d Ex. Sess 1978 (Chapter 33A Title 16, Code of Alabama 1975)

b. The Alabama Guaranteed Student Loan Program provided for by Act No. 80-733, Acts 1980 (Chapter 33B, Title 16, Code of Alabama 1975)

(2) The Alabama Department of Pensions and Security with respect to the collection of debts and money owed under any and all of its public assistance programs and other programs administered by that department, including the Child Support Act of 1979, No. 79-819, Acts of 1979.

(b) "Debtor" means any individual owing money or having a delinquent account with any claimant agency, which obligation has not been adjudicated, satisfied by court order, set aside by court order, or discharged in bankruptcy.

(c) "Debt" means any liquidated sum due and owing any claimant agency which has accrued through contract, subrogation, tort, or operation of law regardless of whether there is an outstanding judgment for that sum.

(d) "Department" means the Department of Revenue of the State of Alabama.

(e) "Refund" means the Alabama income tax refund which the Department determines to be due any individual taxpayer.

Section 40-18-87. Remedy additional.

The collection remedy authorized by this article is in addition

to and not in substitution for any other remedy available by law.

Section 40-18-88. Collection of debts by setoff.

(a) A claimant agency may submit debts in excess of \$25.00 owed to it to the Department for collection through setoff, under the procedure established by this article, except in cases where the validity of the debt is legitimately in dispute, an alternate means of collection is pending and believed to be adequate, or such collection would result in a loss of federal funds or federal assistance.

(b) Upon the request of a claimant agency, the Department shall set off any refund, as defined herein, against the sum certified by the claimant agency as provided in this article.

Section 40-18-89. Procedure for setoff and notification of taxpayer.

(a) Within a time frame specified by the Department, a claimant agency seeking to collect a debt through setoff shall supply the information necessary to identify each debtor whose refund is sought to be setoff and certify the amount of debt or debts owed by each such debtor.

(b) If a debtor identified by a claimant agency is determined by the Department to be entitled to a refund of at least \$25.00 the Department shall transfer an amount equal to the refund owed, not to exceed the amount of the claimed debt certified, to the claimant agency. When the income tax refund owed exceeds the claimed debt, the Department shall send the excess amount to the debtor within a reasonable time after such excess is determined.

(c) At the time of the transfer of funds to a claimant agency pursuant to subsection (b) above, the Department shall notify the taxpayer or taxpayers whose refund is sought to be setoff that the transfer has been made. Such notice shall clearly set forth the name of the debtor, the manner in which the debt arose, the amount of the claimed debt, the transfer of funds to the claimant agency pursuant to subsection (b) above and the intention to setoff the refund against the debt, the amount of the refund in excess of the claimed debt, the taxpayer's opportunity to give written notice to contest the setoff within thirty days of the date of mailing of the notice, the name and mailing address of the claimant agency to which the application for a hearing must be sent, and the fact that the failure to apply for such a hearing, in writing, within the thirty-day period will be deemed a waiver of the opportunity to contest the setoff. In the case of a joint return or a joint refund, the notice shall also state the name of the taxpayer named in the return, if any, against whom no debt is claimed, the fact that a debt is not claimed against such taxpayer, the fact

that such taxpayer is entitled to receive a refund if it is due him regardless of the debt asserted against his spouse, and that in order to obtain a refund due him such taxpayer must apply, in writing, for a hearing with the claimant agency named in the notice within thirty days of the date of the mailing of the notice. If a taxpayer fails to apply in writing for such a hearing within thirty days of the mailing of such notice, he will have waived his opportunity to contest the setoff.

(d) Upon receipt of funds transferred from the Department pursuant to subsection (b) above, the claimant agency shall deposit and hold such funds in an escrow account until a final determination of the validity of the debt.

Section 40-18-90. Hearing procedure.

(a) When the claimant agency receives a protest or application in writing from a taxpayer within thirty days of the notice issued by the Department pursuant to Section 40-18-89 (c) of this article, the claimant agency shall set a date to hear the protest and give notice to the taxpayer by registered or certified mail of the date so set. The time and place of such hearing shall be designated in such notice and the date set shall not be less than fifteen days from the date of such notice. If, at hearing, the sum asserted as due and owing is found not to be correct, an adjustment to the claim may be made. The claimant agency shall give notice to the debtor of its final determination and inform the debtor of his right to appeal such final determination as provided in subsection (c) of this section.

(b) No issues shall be reconsidered at the hearing which have been previously litigated.

(c) If any debtor is dissatisfied with the final determination made at the hearing by the claimant agency, he may appeal the final determination to the circuit court of Montgomery County or to the circuit court of the county in which the debtor resides by filing notice of appeal with the administrative head of the claimant agency and with the clerk or register of the circuit court of the county to which the appeal shall be taken within thirty days from the date notice of final determination was given by claimant agency.

Section 40-18-91. Finalization and notice of setoff.

(a) Upon final determination of the amount of the debt due and owing by means of a hearing provided by Section 40-18-90 or by the taxpayer's default through failure to comply with Section 40-18-89 mandating timely request for review, the claimant agency shall remove the amount of the debt due and owing from the escrow account established pursuant to Section 40-18-89 and credit such amount to the debtor's obligation.

(b) Upon transfer of the debt due and owing from the escrow account to the credit of the debtor's account, the claimant agency shall notify the debtor in writing of the finalization of the setoff. Such notice shall include a final accounting of the refund which was setoff including the amount of the refund to which the debtor was entitled prior to the setoff, the amount of the debt due and owing, the amount of the refund in excess of the debt which was returned to the debtor by the Department pursuant to Section 40-18-89(b), and the amount of the funds transferred to claimant agency pursuant to Section 40-18-89 in excess of the debt determined to be due and owing at a hearing held pursuant to Section 40-18-90, if such a hearing was held. At such time, the claimant agency shall refund to the debtor the amount of the claimed debt originally certified and transferred to it by the Department in excess of the amount of debt finally found to be due and owing.

Section 40-18-92. Priority.

The Department has priority over every claimant agency for collection by setoff under this article.

Section 40-18-93. Confidentiality.

(a) Notwithstanding the provisions of Section 40-18-52 prohibiting disclosure by the Department of the contents of taxpayer records or information and notwithstanding any other confidentiality statute, the Commissioner of Revenue may provide to a claimant agency all information necessary to accomplish and effectuate the intent of this article.

(b) The information obtained by a claimant agency from the Department in accordance with the provisions of this article shall retain its confidentiality and shall only be used by a claimant agency in pursuit of its debt collection duties and practices; and any employee or prior employee of any claimant agency who unlawfully discloses any such information for any other purpose, except as specifically authorized by law, shall be subject to the same penalties specified by law for unauthorized disclosure of confidential information by an agent or employee of the Department of Revenue.

Section 40-18-94. Effect.

When the setoff authorized by this article is exercised, the refund which is set off shall be deemed granted.

Section 40-18-95. State Treasurer authorized to issue separate warrants.

In those cases where the amount claimed to be due and owing by the claimant agency is less than the refund due the taxpayer the

State Treasurer is authorized upon the request of the Department to issue two warrants, one payable to the claimant agency for the amount claimed to be due and owing and one to the taxpayer for the amount of the refund in excess of the amount claimed to be due and owing by the claimant agency.

Section 40-18-96. Appropriation.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 4. This Act shall become effective on October 1, 1981.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-697

H. 422—Reps. Bowling, Cooley, Payne,
Naramore, Brakefield, Smith (J),
Letson, Harvey, Turner, Dixon,
Grouby, Cosby

AN ACT

To permit garnishment of up to forty percent (40%) of wages for child support and to make technical procedural changes.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding any other provisions of law, in any case in which a responsible parent is under a court order to provide child support, a judge of the appropriate court in the county where the mother of the child resides or is found, or in the county where the father resides or is found, or in the county where the child resides or is found may enter an order of garnishment whereby no more than forty percent (40%) of the responsible parent's weekly disposable earnings shall be garnisheed for the support of his minor child. For purposes of this section, "disposable earnings" is defined as that part of the compensation paid or payable to the responsible parent for personal services, whether denominated as wages, salary, commission, bonus or otherwise (including periodic payments pursuant to a pension or retirement program) which remains after the deduction of any amounts required by law to be withheld. The garnishee is the person,

firm, association or corporation by whom the responsible parent is employed.

Section 2. (a) The court may accept a motion for an order of garnishment from the child's mother, father or guardian, or if the child is a public charge, from the Department of Pensions and Security.

(b) The motion shall be verified and shall state that the responsible parent is under court order to provide child support, that said parent is delinquent in such child support, the name and address of the employer of the responsible parent, the responsible parent's weekly disposable earnings from said employer (which may be based upon information and belief), and the amount sought to be garnisheed, not to exceed forty percent (40%) of the responsible parent's weekly disposable earnings. The motion for the wage garnishment order along with a motion to join the alleged employer as a third-party garnishee defendant shall be served on both the responsible parent and the alleged employer in accordance with the provisions of the Alabama Rules of Civil Procedure.

(c) The time period for answering or otherwise responding to pleadings, motions, and other papers issued pursuant to this section shall be in accordance with the time periods set forth in the Alabama Rules of Civil Procedure.

Section 3. In addition to the foregoing method for instituting a continuing wage garnishment proceeding for child support through motion, the mother, father, or guardian, or if the child is a public charge, the Department of Pensions and Security may, in an independent proceeding, petition the court for an order of continuing wage garnishment. The petition shall be verified and shall state that the responsible parent is under court order, that said parent is delinquent in such child support, the name and address of the alleged employer-garnishee of the responsible parent, the responsible parent's weekly disposable earnings from said employer (which may be based on information and belief), and the amount sought to be garnisheed, not to exceed forty percent (40%) of the responsible parent's weekly disposable earnings. The petition shall be served on both the responsible parent and his alleged employer in accordance with the provisions for service of process set forth in Rule 4 of the Alabama Rules of Civil Procedure. The time period for answering or otherwise responding to process issued pursuant to this section shall be in accordance with the time periods set forth in the Alabama Rules of Civil Procedure.

Section 4. Following the hearing held pursuant to this section, the court may enter an order of garnishment not to exceed forty percent (40%) of the responsible parent's weekly disposable earnings.

If an order of garnishment is entered, a copy of same shall be served on the responsible parent and the garnishee either personally or by certified or registered mail, return receipt requested. The order shall set forth sufficient findings of fact to support the action by the court and the amount to be garnisheed for each pay period. The order shall be subject to review for modification and dissolution upon the filing of a motion in the cause.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-698

H. 423—Reps. Bowling, Cooley, Ford,
Payne, Naramore, Brakefield,
Smith (J), Letson, Harvey,
Turner, Dixon, Grouby, Cosby

AN ACT

To Amend Section 26-12-7, of the Code of Alabama 1975, so as to change the time limitation within which proceedings may be brought under this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 26-12-7, Code of Alabama 1975, is hereby amended to read as follows:

“Section 26-12-7 Proceedings under this Act shall not be brought after the lapse of five years from the birth of the child, unless in the meantime, the reputed father has legally acknowledged paternity or has supported said child.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-699

H. 464—Reps. Boles, Payne, Trammell,
Mitchell, Cooley, Harvey, Kelley,
Raines, Letson, Patton,
Brakefield, Stout, Riddick, Cobb,
Drinkard, Hall, Shoemaker,
Harper (O), Reed, Laird, Grimsley,
Warren, Stewart, Edwards

AN ACT

To provide for the issuance of distinctive license plates to the recipients of the Medal of Honor or Prisoners of War.

Be It Enacted by the Legislature of Alabama:

Section 1. A distinctive permanent license plate shall be issued to any resident of the state who is a recipient of the Medal of Honor or who is a duly recognized American Prisoner of War, for use on a private motor vehicle registered in the recipient's name. There shall be no fee or tax for such license plate but no recipient shall receive a plate for more than one vehicle.

Section 2. The special plates shall be of the same size as regular motor vehicle license plates, distinguished by the letters MOH to be of a different color scheme and design to any other vehicle tag in this state, or POW to be of the same color scheme as other distinguished Military tag in this state, whichever applies distinctive design, the nature of which shall be prescribed by a committee to be appointed by the chief legislative sponsors of this bill.

Section 3. Such license plates issued pursuant to this act may be transferred to another vehicle of the same weight class owned by the same person upon application being made therefor and approved by the department. It shall be unlawful for any person to whom such plates have been issued to knowingly permit them to be displayed on any vehicle except the one authorized by the department.

Section 4. The provisions of this act shall not affect the registration and licensing of motor vehicles as required by other provisions of Code of Alabama 1975, but shall be cumulative thereto. Any person violating the provisions of this act or any person who (a) fraudulently gives false or fictitious information in any application for a special license plate, as authorized in this act, (b) conceals a material fact, or (c) otherwise commits a fraud in any such application or in the use of any special license plate issued shall be guilty of a Class C misdemeanor as defined by the Code of Alabama 1975.

Section 5. The use, transferability and licensing year of such

plates shall be the same as the method used for national guard and air national guard plates as provided in Sections 32-6-111 through 32-6-114, Code of Alabama 1975.

Section 6. The Department of Revenue shall be empowered to promulgate all necessary rules and regulations necessary to implement this act.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-700

H. 482—Reps. Payne, Patton, Hines

AN ACT

Prescribing certain procedures which shall govern the sale or leasing of any public lands belonging to the state or any of its agencies or departments to any grantee or lessee which is not a state, county or municipal government.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever the State of Alabama or any of its departments, agencies or boards makes a decision to sell or lease any public lands belonging to it, to any grantee or lessee which is not a state, county or municipal government it shall strictly adhere to the following procedures:

(1) Have the subject tract or parcel appraised for current market value to determine selling or leasing price by two independent fee appraisers with at least five years of competent real estate appraisal experience; and

(2) Advertise for competitive sealed bids once a week for four consecutive weeks beginning at least 90 days prior to the date of sale in the newspaper with the largest circulation in each of the seven congressional districts in the state with such advertisements containing a legal description of the tract or parcel to be sold or leased and

the address to which such bids should be delivered.

Section 2. The costs of the advertising and appraisal required by Section 1 of this Act shall be paid for out of the proceeds of the sale. In the event that the advertised tract or parcel is not sold, then, the state or the respective department, agency or board shall pay such costs from its operating funds.

Section 3. All lots, tracts or parcels with a value of \$5,000.00 or less based on current fair market price are hereby exempt from the provisions of this Act.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-701

H. 499—Rep. Minus

AN ACT

To amend Act No. 80-529, Acts of Alabama 1980, Section 2(f), now appearing as Chapter 3A, Title 28, Code of Alabama 1975 and also to provide further license fees for clubs.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2(f) of Act No. 80-529, Acts of Alabama 1980, now appearing as Chapter 3A, Section 2(7), Title 28, Code of Alabama 1975, is hereby amended to read as follows:

(f) Club. Class I. A corporation or association organized or formed in good faith by authority of law and which must have at least 150 paid-up members. It must be the owner, lessee or occupant of an establishment operated solely for the objects of a national, social, patriotic, political or athletic nature or the like, but not for pecuniary gain, and the property as well as the advantages of which belong to all the members and which maintains an establishment provided with special space and accommodations where, in consideration of pay-

ment, food with or without lodging is habitually served. The club shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation and ballot and charge and collect dues from elected members.

Class II. A corporation or association organized or formed in good faith by authority of law and which must have at least 100 paid-up members. It must be the owner, lessee or occupant of an establishment operated solely for the objects of a national, social, patriotic, political or athletic nature or the like. The club shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation and ballot and charge and collect dues from elected members.

Section 2. Section 21(h) of Act No. 80-529, Acts of Alabama 1980, now appearing as Chapter 3A, Section 21(a) (8), Title 28, Code of Alabama 1975, is hereby amended to read as follows:

(h) Club liquor license, Class I license fee \$300.00, Class II license fee \$750.00.

Section 3. All laws or parts of laws, local, special or general, which conflict or are inconsistent with this Act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-702

H. 515—Reps. Bedsole, Roberts, Dixon,
Johnson (R.G.)

AN ACT

To amend Section 22-14-16 of the Code of Alabama 1975, relating to the prohibition of storing, depositing or dumping nuclear spent fuel or other radioactive waste which is generated outside Alabama, so as to provide for the exception of such material or waste used in Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-14-16 of the Code of Alabama 1975 is hereby amended as follows:

“§ 22-14-16.

“Notwithstanding any law, order or regulation to the contrary, the state of Alabama does not consent to the acquisition by any agency, department or instrumentality of the United States of America by purchase, condemnation or otherwise of any land, building or other site within the state of Alabama for use of storing, depositing or dumping any nuclear spent fuel or any other radioactive material or waste, except for that nuclear spent fuel or radioactive material or waste that is generated or used in Alabama.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-703

H. 545—Rep. Kelley

AN ACT

To amend Section 9-17-26 of the Code of Alabama 1975, relating to oil and gas 2% production tax and the required dates for filing with the State Department of Revenue by reporting parties so as to change the required report filing date from the fifteenth day of the calendar month to the last day of the calendar month.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 9-17-26 of the Code of Alabama 1975 be and the same is hereby amended to read as follows:

“It shall be the duty of every person producing or in charge of production of crude petroleum or natural gas from any well or wells in the State of Alabama for sale, transport, storage, profit or for use to keep and preserve such records of the amount of all such crude petroleum oil or natural gas produced for sale, transport, storage, profit or for use as may be necessary to determine the amount of the tax for which he is liable under the provisions of Section 9-17-25. It shall be the further duty of every such person to file with the Department of Revenue, not later than the last day of each month, a return, verified by oath, showing the amount of crude petroleum oil or natural gas produced for sale, transport, storage, profit or for use during the preceding month, to compute on the return the amount of tax charged against him in accordance with the provisions of section 9-17-25 and to transmit to the Department of Revenue with such return a remittance covering the tax chargeable against him. The return shall con-

tain such other information and shall be in such form as the Department of Revenue shall designate. The Department of Revenue is authorized to determine the gross value at the point of production in accordance with customary practice.”

Section 2. This bill shall become effective on the first day of the calendar month following the date of passage and approval by the Governor.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-704

H. 546—Rep. Kelley

AN ACT

To amend Section 40-20-5, of the Code of Alabama 1975, relating to oil and gas severance tax and the required dates for filing with the State Department of Revenue by reporting parties so as to change the required report filing date from the fifteenth day of the calendar month to the last day of the calendar month.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 40-20-5 of the Code of Alabama 1975 be and the same is hereby amended to read as follows:

“All reports required under the provisions of this article shall be filed with the department on or before the last day of the calendar month and shall cover the preceding calendar month. If any person engaged in severing the natural resources herein defined shall fail or refuse to file a monthly report containing the information required under the provisions of this article within the time prescribed, the department is hereby authorized and directed to assess a penalty of 10 percent of the amount of the taxes determined to be due. Such penalty may be waived for good and sufficient cause shown. All producers are hereby required to pay to the department all taxes accruing under the provisions of this article for the period of time covered by the report herein required, and such payment shall accompany the required report.”

Section 2. This bill shall become effective on the first day of the calendar month following the date of passage and approval by the Governor.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-705

H. 553—Reps. Ward, Whatley, Grimsley,
McMillan, Starkey, Letson,
Zoghby, Brakefield, Turner,
Minus, Daniels

AN ACT

This bill provides for the abolishment of the Modular Housing Division of the Alabama Development Office and transfer of all of the personnel, funds, appropriations, papers, documents, files, materials, equipment, supplies, duties, responsibilities and other effects of the Modular Housing Division of the Alabama Development Office to the office of the Alabama State Fire Marshal, a division of the Alabama Insurance Department.

Be It Enacted by the Legislature of Alabama:

Section 1. The Modular Housing Division of the Alabama Development Office is hereby abolished and all funds, appropriations, papers, documents, files, materials, equipment, supplies and other effects of the Modular Housing Division of the Alabama Development Office shall become the property of the office of the State Fire Marshal, a division of the Alabama Insurance Department, and all personnel of the Modular Housing Division of the Alabama Development Office are hereby transferred without impairment of their Merit System status to the office of the State Fire Marshal, a division of the Alabama Department of Insurance, and shall be under the Fire Marshal's supervision, direction and control.

Section 2. All of the duties, responsibilities, functions and powers heretofore exercised or held by the Director of the Modular Housing Division of the Alabama Development Office shall hereinafter pass to, be the responsibility of, and be performed by the State Fire Marshal.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective October 1, 1981, following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-706

H. 554—Reps. Ward, Whatley, Grimsley,
McMillan, Starkey, Letson,
Brakefield, Zoghby, Turner,
Minus, Daniels

AN ACT

To provide for the certification of manufactured buildings; to provide for the regulation, administration and enforcement of the provisions of this act by the Alabama state fire marshal and to provide penalties for violations of this act or any rule or regulation promulgated hereunder.

Be It Enacted by the Legislature of Alabama:

Section 1. Purpose. The legislature hereby finds that in an effort to meet the housing needs within the state, the private housing and construction industry has developed mass production techniques which can substantially reduce a housing and building cost and that the mass production of housing and buildings consisting primarily of factory manufacture, presents unique problems with respect to the establishment of uniform health and safety standards and inspection procedures. The legislature further finds that by minimizing the problems of standards and inspection procedures it is demonstrating its intention to encourage the reduction of manufactured building construction costs and to make housing and home ownership more feasible for all residents of the state.

Section 2. Definitions. As used in this act:

(1) "Department" means the office of the Alabama state fire marshal.

(2) "Approved" means conforming to the recognized codes and regulatory requirements adopted by the department.

(3) "Approved Inspection Agency" means an organization meeting the department's requirements to provide inspection of manufactured buildings and to insure compliance with national recognized codes, and rules and regulations adopted by the department pursuant to this act.

(4) "Local government" means a city or county government.

(5) "Manufacture" means the process of making, fabricating, construction, forming, or assembling a product from raw, unfinished or semifinished materials.

(6) "Install" means the assembly of a manufactured building, components of manufactured building on site and the process of affixing a manufactured building to land, a foundation, footings, or an existing building and service connections which are a part thereof.

(7) "Site" means the entire tract, subdivision or parcel of land on which manufactured building is installed.

(8) "Insignia" means a label, seal or data plate issued by the department to indicate compliance with the codes and requirements established by the department pursuant to the act.

(9) "Mobile Home" or "Manufactured Home" means any residential dwelling unit constructed to standards and codes as promulgated by the United States Department of Housing and Urban Development.

(10) "Dwelling Unit" means one or more habitable rooms which are occupied, intended, or designed to be occupied by one or more families with facilities for living, sleeping, cooking and eating.

(11) "Equipment" means all materials, appliances, devices, fixtures, fittings, or accessories installed in or used in the manufacture and assembly of manufactured building.

(12) "System" means structural, plumbing, mechanical, heating, electrical, or ventilating elements, materials or components combined for use in a manufactured building.

(13) "Manufactured building" means a closed structure, building assembly, or systems of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, utility service lines, footings, foundations, porches or other service systems manufactured in manufacturing facilities, for installation or erection, with or without other specified components, as a finished building or as a part of a finished building, which shall include, but not be limited to, residential dwelling units, commercial, institutional, storage, and industrial structures. "Mobile Homes" or "Manufactured Homes" are excluded. Manufactured building may also mean, at the option of the manufacturer, any building of open construction made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation, on the building site.

(14) "Closed construction" means that condition when any building, component, assembly, subassembly, or system is manufactured in such a manner that all portions cannot be readily inspected at the site without disassembly or destruction thereof.

(15) "Open construction" means any building, building component, assembly, or systems manufactured in such a manner that all portions can be readily inspected at the site without disassembly, damage to, or destruction thereof.

(16) "Fees" means monies to be paid to the department from any and all persons, firms, companies, corporations, and manufac-

turers engaged in the manufacture or installation of manufactured buildings.

(17) "Component" means any assembly, subassembly, or combination of parts for use as a part of a building, which may include structural, electrical, mechanical and fire protection systems, and other systems affecting health and safety.

(18) "Model" means a specific design of manufactured building which is based on size, room arrangement, method of construction, location arrangement or size of plumbing, heating or electrical equipment systems.

(19) "Modular Home" means a manufactured building built and inspected in accordance with a national building code and in compliance with the provisions of this act.

Section 3. Regulation.

(a) The state fire marshal is authorized to promulgate rules, and enter into contracts, and do such things as may be necessary and incidental to the administration of its authority pursuant to this act.

(b) After the effective date of the rules adopted pursuant to this act, no manufactured building shall be sold, or offered for sale, or installed in this state unless it is approved and bears the insignia of approval of the department.

(c) The factory built housing act of 1971 and the rules promulgated under that act shall continue until the effective date of subsection (b) and thereafter shall be repealed. All personnel of the modular housing division of the Alabama Development Office shall be transferred without impairment of their merit system status to the department, and all funds, appropriations, papers, documents, files, materials, equipment, supplies and other effects employed and used for the administration and enforcement of the previous act shall become the property of the department. All approvals issued by the department under the provisions of the prior act shall be deemed to comply with the requirements of this act.

(d) All manufactured buildings issued and bearing insignia of approval pursuant to subsection (b) and (c) shall be deemed to comply with the requirements of all ordinances or regulations enacted by any local government which are applicable to the construction of manufactured buildings. The determination by the department of the scope of such approval is final.

(e) No manufactured building bearing department insignia of approval pursuant to subsection (b) shall be in any way modified prior to or during installation unless approval is first obtained from the department.

(f) Manufactured buildings which have been issued and bear the insignia of approval pursuant to this act upon manufacture or first sale shall not require an additional approval or insignia by a local government in which they are subsequently sold or installed, except a residential dwelling unit that is resold whether by a manufacturer, manufacturer's representative, or dealer these units must bear an additional seal of approval issued by the department.

(g) The department by rule shall establish a schedule of fees to give cost relief to the department for the work related to the administration and enforcement of this act. All fees collected under the provisions of this act, or otherwise inuring to the credit of the fire marshal, shall be deposited in the state treasury in a fund to be designated as the "state fire marshals fund."

(h) If the department determines that standards for construction and inspection of manufactured buildings prescribed by statute or rule of another state are at least equal to standards prescribed by the department under this act and such standards are actually enforced by such other state, the department may provide by rule that manufactured building, which has been inspected and approved by such other state or its delegated inspection agency, shall be deemed to have been approved by the department, and shall authorize the affixing of the appropriate insignia of approval.

(i) The use of the word "modular," singular or in combination with any other word to describe a mobile home or manufactured home, is hereby prohibited and said use shall constitute a violation of the provisions of this act.

(j) Any city or county official who violates the provisions of this act by refusing to accept a manufactured building, approved by the department shall personally be liable and not be immune from prosecution if suit is brought by a party to said transaction.

(k) This section shall not apply to factory built housing which is inspected and approved by a local government agency at the place of, and during the time of manufacture in accordance with local building requirements, if the requirements are reasonably consistent with standards established by the southern building codes congress, the national fire protection association, and the United States department of housing and urban development. The cost of the inspection shall be borne by the manufacturer.

(1) All factory-built housing bearing an insignia of approval issued by the department pursuant to this act shall be deemed to comply with the requirements of all ordinances or regulations enacted by any local government which are applicable to the manufacture of such housing. The determination by the department of the scope

of such approval is final.

(2) No factory-built housing bearing a department insignia of approval pursuant to this act shall be in any way modified prior to or during installation unless approval is first obtained from the department.

(3) Factory-built housing which has been inspected and approved by a local government agency shall not be modified prior to or during installation unless approval for the modification is first obtained from the local government agency.

(4) The department by rule shall establish a schedule of fees to pay the costs incurred by it for the work related to administration and enforcement of this section.

Section 4. (a) The department shall enforce the provisions of this act and the regulations adopted pursuant hereto, except that the department may delegate its enforcement authority to a local government agency, an approved inspection agency or an agency of another state provided the inspection agencies inspection requirements conform with the requirements of the department.

(b) The department shall promulgate rules and regulations to interpret and make specific the provisions of this act. These rules shall include provisions imposing requirements reasonably consistent with recognized and accepted standards adopted by the southern building codes congress, international, the national fire protection association or any other nationally recognized building standards.

Section 5. Injunctive Relief.

The department may obtain injunctive relief from the proper circuit court to enjoin the sale, delivery, or installation of manufactured building upon an affidavit specifying the manner in which the building does not conform to the requirements of this act or to rules issued pursuant hereto.

Section 6. Penalties.

A person who violates any of the provisions of this act or any rule adopted pursuant hereto is guilty of a misdemeanor, punishable by a fine of \$500.00, or by imprisonment for 30 days, or both. A separate violation shall be deemed to have occurred with respect to each building unit (building component) involved.

Section 7. The provisions of this act omit pre-engineered metal buildings.

Section 8. All laws or parts of laws which conflict with the act are repealed.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This act shall become effective October 1, 1981, following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-707

H. 676—Rep. Manley

AN ACT

To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineers of this state, so as to remove the requirement that they be registered land surveyors; to delete references to several county exceptions in the existing code section; and to provide for the state highway department's partial payment of the salaries of county engineers as provided by Section 11-6-4, Code of Alabama 1975, regardless of the lack of qualification as a registered land surveyor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-6-2 of the Code of Alabama 1975, as amended, is hereby amended to read as follows:

“§ 11-6-2.

“The person appointed as county engineer, or chief engineer of the division of public roads within the meaning of this article, shall be a registered professional engineer in the state of Alabama in good standing and, in addition, he shall have had not less than three years experience in the maintenance and construction of highways and bridges. The county engineer may serve two adjoining counties and need not be qualified as a land surveyor in order for the state highway department to participate in the payment of a portion of said county engineer's salary as provided in section 11-6-4.”

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-708

H. 724—Rep. Cooley

AN ACT

To provide for commitment hearings to determine whether defendants acquitted of crimes by reason of insanity should be involuntarily committed to the Alabama state department of mental health; to provide for initial detention of the defendants prior to the final hearings; and to provide for the commitment of such persons.

Be It Enacted by the Legislature of Alabama:

Section 1. If a defendant in a criminal case is found not guilty by reason of insanity, the court shall forthwith determine whether the defendant should be held for a hearing on the issue of his involuntary commitment to the Alabama state department of mental health. If the court determines that there is probable cause to believe that the defendant is mentally ill and as a consequence of such mental illness poses a real and present threat of substantial harm to himself or to others, the court shall order the defendant into the custody of the sheriff until a hearing can be held to determine whether the defendant shall be involuntarily committed. If the court does not make such a determination, then the defendant shall be forthwith released from custody.

Section 2. Whenever the court finds probable cause pursuant to Section 1, the court shall hold a final hearing within thirty days to determine whether the defendant shall be involuntarily committed.

Section 3. If, at the final hearing, the court finds that the defendant is mentally ill and as a consequence of such mental illness poses a real and present threat of substantial harm to himself or to others, the court shall order the defendant committed to the custody of the Commissioner of the Alabama state department of mental health or to such other public facility as the court may order.

If the court does not make such a finding, then the defendant shall be released from custody forthwith.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. Sections 15-16-25 and 15-16-40 of the Code of Alabama 1975 are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-709

H. 734—Rep. Mitchell

AN ACT

Relating to the functions of the Alabama Board of Funeral Services to amend Sections 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131, Code of Alabama 1975, so as to authorize the board to enter into reciprocal agreements on an individual basis and increase the fee for a reciprocal license; allow board to increase annual renewal fees for funeral directors and embalmers up to \$25.00 and up to \$100.00 for operators; provide penalties of up to \$25.00 for lapsed licenses; allow board to increase application fees for funeral directors and embalmers up to \$100.00; require board to charge \$75.00 for second or subsequent inspections of prospective licensed establishments; allow board to increase application fee for funeral establishments up to \$300.00; lower minimum age and educational requirements for funeral director or embalmer apprentices; allow the board to increase apprentice fees up to \$20.00; and to require apprentice time to be supervised.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131, Code of Alabama 1975, are hereby amended to read as follows:

“§ 34-13-51.

“The board may, but shall not be required to, recognize and issue, without examination, and upon payment of a fee of up to one hundred dollars (\$100.00) for each license, a reciprocal license for the practice of funeral directing and embalming to any person licensed as a funeral director and embalmer by any state, if the Board makes an individual determination that the applicant’s qualifications meet or exceed the minimum qualifications required for funeral directors and embalmers in this state and that a written examination of such applicant would be superfluous.

Applications shall be made on forms prescribed and furnished by this Board. Only applicants holding both a funeral director and embalmer license from another state, and applying for both a funeral director and embalmer license in Alabama will be considered for licensing by reciprocity.

The Board shall at the time of the application make a reasonable

determination that the applicant is a legal resident of the State of Alabama. The Board reserves the right to require applicants for reciprocity to submit to a personal interview and/or a written examination relating to the law as it pertains to the regulation of the funeral service profession in Alabama."

"§ 34-13-53.

"(a) Every licensed funeral director, every licensed embalmer and every licensed operator shall pay annually a fee for renewal of his license. The renewal fees set by the board at a rate not to exceed \$25.00 for licensed embalmers and funeral directors and not to exceed \$100.00 for licensed operators.

"(b) All licenses granted under this chapter shall expire on October 1, following their issuance or renewal, and shall become invalid unless renewed as provided in this section. There shall be no proration of licenses.

"(c) The board shall mail on or before August 1 of each year to each licensed funeral director, to each licensed embalmer and to each licensed operator, addressed to him at his last address, a notice that his renewal fee is due and payable and that, if such fee is not paid by October 1, the license shall lapse."

"§ 34-13-55.

"When a licensee, for any reason, has allowed his license to lapse, the board hereby is given power of reinstatement, in its discretion, if application therefor is made within a period of six months from the lapse and is accompanied by payment of all fees penalties and lapsed fees, from the time of the lapse to date of reinstatement. The penalties to be paid to the board shall be \$25.00 to reinstate licenses which have lapsed.

"After said six-month period has elapsed, such license may be reinstated only by complying with the provisions hereinabove relating to the issuance of an original license in addition to payment of all lapsed fees and penalties."

"§ 34-13-70.

"(a) No person shall engage in, or attempt to engage in, the practice or profession or business of a funeral director unless licensed to do so by the Alabama board of funeral service. The board hereby is granted authority to issue license to funeral directors.

"(b) Any person desiring to engage in the business, profession or practice of funeral director shall make application to the board and shall accompany his application by a fee to be established by the board, not to exceed \$100.00, whereupon the board shall fix the time

and place for the examination of the applicant and shall notify the applicant thereof.”

“§ 34-13-90.

“(a) No person shall follow, engage in or hold himself out as engaged in the practice as an embalmer unless licensed to do so by the Alabama board of funeral service. The board hereby is granted authority to issue licenses to embalmers.

“(b) All persons shall qualify for examination in accordance with the provisions of this chapter and shall be licensed as an embalmer only after due examination by the board and the payment of an examination and license fee to be established by the board, not to exceed \$100.00.”

“§ 34-13-111.

“(a) No funeral establishment or branch thereof for the preparation, disposition and care of dead human bodies shall be opened or maintained unless duly licensed by the board. No funeral establishment or branch shall be moved without obtaining a new funeral establishment license from the board.

“(b) The board shall charge a fee of \$35.00 in addition to the license fee for the first inspection of any funeral establishment seeking a license under Section 34-13-72 made for the purpose of determining whether such funeral establishment has fulfilled the requirements for licensure hereunder. The board shall charge a fee of \$75.00 for each reinspection necessitated by failure of any funeral establishment to pass such first inspection. All funeral establishments and branches may be inspected by the board, or its representatives, at any time, and shall meet and conform to the provisions of this chapter and to such other lawful standards and requirements as may be determined by rule of the board in furtherance of the provisions of this chapter; and, for failure to do so, the board may revoke such license in accordance with the procedure set forth in this chapter.

“(c) Applications for transfer of a license to another location in the same county shall be made upon blanks furnished by the board and shall be accompanied by a fee of \$25.00. The fee for a new branch or location for a funeral establishment shall be \$250.00. Any change in ownership must be immediately reported to the board.”

“§ 34-13-113.

“(a) Application for a license to operate a funeral establishment shall be made in writing on a form provided by the board. The application shall be verified by the applicant or, if the applicant is a corporation, firm or other organization, by an officer or member thereof,

and shall be accompanied by an application fee to be established by the board, not to exceed \$300.00. The application shall disclose:

“(1) The name and address of the establishment;

“(2) That the establishment is operated by a licensed funeral director and a licensed embalmer or a person licensed both as a funeral director and embalmer;

“(3) A description of the establishment’s buildings, equipment and facilities;

“(4) That the establishment has a sanitary, properly equipped embalming room, a place for the conduct of funerals and a casket selection room stocked with an average selection of caskets; and

“(5) Such other information as may be required by the board.

“(b) Upon receipt of said application, the board shall make inspection of the funeral establishment. If the board determines that the establishment meets the qualifications prescribed by law, it shall issue the license.”

“§ 34-13-130.

“(a) Every person desiring to engage as an apprentice shall make application as a funeral director’s apprentice or an embalmer’s apprentice to the board upon a form provided by the board. The application shall state that the applicant is over the age of 16, holds a high school certificate or the equivalent, or is currently enrolled and actively working toward graduation from an accredited high school and is of good moral character. The application must be verified by the oath of applicant and be accompanied by a fee to be established by the board, not to exceed \$20.00. The executive secretary of the board shall, whenever it appears to him that no reason exists for the denial of an application and that the application is regular upon its face, have the power to issue to the applicant a certificate of apprenticeship, without submitting the application to the board. If, however, any doubt exists as to the qualifications of the applicant, the application shall be submitted to the board and may be accepted or rejected by a majority of the board. The period of apprenticeship of a funeral director’s apprentice or an embalmer’s apprentice must be performed in Alabama under the supervision of a funeral director or embalmer, respectively, licensed by the Alabama Board of Funeral Service.

“(b) The regular course of apprenticeship shall be two years, but the apprentice is entitled to two weeks time off each year, without leave of absence from the board. Any applicant for an apprentice certificate or license shall be credited with all time served as such as an apprentice embalmer or funeral director prior to September 10,

1975, upon filing of two affidavits confirming such service by a licensed embalmer or funeral director under whom such service was performed.”

“§ 34-13-131.

“A certificate of apprenticeship issued as provided for herein shall be signed by the apprentice and shall be renewable annually upon the payment by the holder by October 1 of each year of an annual renewal fee to be established by the board, not to exceed \$20.00. Failure to pay the renewal fee by the prescribed date of any year shall cause the certificate to become delinquent, in which case it shall be renewed only for good cause shown. No person may be granted a certificate of apprenticeship as funeral director’s apprentice or embalmer’s apprentice, respectively, for more than three consecutive years, excepting as provided. The board shall mail, on or before August 1 of each year, to each registered apprentice at his last known address, a notice that his renewal fee is due and payable and that, if not paid by October 1, his license will lapse.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-710

H. 805—Rep. Biddle

AN ACT

To amend Code of Alabama 1975, § 9-11-17 so as to provide the requirements, duties, authority, compensation and method of revoking appointments for deputy game and fish wardens.

Be It Enacted by the Legislature of the State of Alabama:

Section 1. Code of Alabama 1975, § 9-11-17 is hereby amended to read as follows:

“§ 9-11-17. I. Commissioner to appoint. — The Commissioner of conservation and natural resources shall have power to appoint deputy game and fish wardens whose duties shall be to enforce all laws relative to wild game birds, animals and fish upon privately owned game preserves and refuges; provided, however, that such deputy game and fish wardens shall not receive from the state any compensation or reimbursement for expenses incurred in the performance of their duties as such. However, no person shall be appointed

as a deputy game and fish warden who, prior to his appointment, fails to meet the requirements of this section.

“II. Requirements for appointments. — Prior to his appointment as a deputy game and fish warden, each applicant for such appoint shall:

“(a) make application for appointment on a form supplied by the Commissioner.

“(b) pass an examination, written and administered under the direction of the Commissioner, by answering correctly no less than seventy percent (70%) of the questions contained therein;

“(c) execute and have in effect prior to his appointment, and during the tenure of his appointment, a performance bond in an amount not less than two thousand dollars (\$2,000);

“(d) give proof that he is a person of good moral character and reputation. His application shall show that he has never been convicted of a felony or a misdemeanor involving either force, violence or moral turpitude, and shall be accompanied by letters from three (3) qualified voters of the area in which the applicant proposes to serve as a deputy game and fish warden attesting his good reputation;

“(e) submit with his application a duly verified letter of consent and authorization from an owner of the privately owned land, lands, game preserves, or refuges on which he will exercise his authority. The letter shall contain a description of the land upon which the applicant will exercise his authority if appointed;

“(f) meet such other qualifications as may be required by the Commissioner.

“III. Duties of deputy game and fish wardens. — All appointed deputy game and fish wardens shall:

“(a) exercise their authority only on the privately owned land described in the letter of consent and authorization submitted with the application;

“(b) in the performance of his duties comply with all federal, state and local laws, rules and regulations pertaining thereto;

“(c) upon notification in writing by the Commissioner that his appointment has been revoked, immediately cease exercising the authority of a deputy game and fish warden and surrender his appointment to the Commissioner.

“IV. Authority of deputy game and fish wardens. — All appointed deputy game and fish wardens shall have the power to enforce

all laws and regulations relative to wild game birds, animals and fish upon the privately owned lands described in the letter of authorization submitted with their application, provided further, that no deputy game and fish warden whose appointment is after September 20, 1971, shall have any authority to exercise the power of arrest for the violation of game and fish laws and regulations unless such deputy has met the requirements of this act.

“V. Revocation of appointment. — The Commissioner shall have the power and the authority, for any reason, to revoke the appointment of any deputy game and fish warden. Notice of such revocation is sufficient if it be made by certified mail to the mailing address of the deputy as such address is set forth in his application for appointment.

“VI. Compensation and status of deputy game and fish wardens. — Any appointment made by the Commissioner pursuant to the provisions of this act shall not confer upon a deputy game and fish warden, his heirs or assigns, any one of the following:

“(a) any status as an employee of the State of Alabama or of the Department of Conservation and Natural Resources;

“(b) any employment or unemployment benefits, rights or privileges from the state;

“(c) any right to accident, injury or death benefits from the state, its agencies or officers;

“(d) any right to compensation or reimbursement for the performance of his duties from the state;

“(e) any right to equipment, supplies and materials owned by the State of Alabama.”

Section 2. All laws or parts of laws in conflict with this Act are hereby expressly repealed.

Section 3. The provisions of this Act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-711

H. 930—Rep. Kelley

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the town of Grant, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Grant, Alabama are hereby altered, rearranged and extended so as to include within the corporate limits of Grant, Alabama, in addition to the lands now included herein, all of the following territory, to-wit:

PARCEL I:

Beginning at a point on the West margin of the Guntersville and Grant Road and North margin of a County Road, in the Northeast quarter of the Southeast quarter of Section 13, Township 6, Range 3 East; thence North 39° 30' East with the Guntersville and Grant Road 179 feet to a County Road; thence North 35° 41' East 27.5 feet; thence North 66° 58' West 132.7 feet; thence South 79° 50' East 86 feet; thence South 63° 44' East 334 feet; thence South 82° 30' East with County Road 411.6 feet to the point of beginning, according to the survey made by J. B. Carlton, lying and being in Marshall County, Alabama.

PARCEL II:

Beginning at the Northern most point of Lot 1 of the Grant Commercial Subdivision in Marshall County, Alabama, as the same appears of record in Plat Book 6 page 123 in the Probate Office of Marshall County, Alabama; thence along the North line of said lot South 51° 59' East 150 feet; thence South 38° 01' West 12 feet; thence South 51° 59' East along the North line of the Battles lot as recorded in Book 528 page 289 in the Probate Office of Marshall County, Alabama, 150 feet to the Southeast line of said Lot 1; thence South 38° 01' West along the Southeast lines of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of said subdivision 517 feet to the Southeast corner of the Dennis lot as recorded in Deed Book 600 page 192 at a point South 38° 01' West 4 feet from the Northeast corner of said Lot 22; thence North 51° 59' West and parallel with the North line of said Lot 22, 166 feet, more or less, to a point 125 feet Southeasterly from the West line of said Lot 22; thence in a Southeasterly direction parallel with the West lines of Lots 22, 23, 24, 25, 26, 27, 28, 29 and 30 in said subdivision 221 feet to a point on the South line of said Lot 30; thence continue Southeasterly in the same direction 75 feet; thence North 51° 59' West 125 feet, thence

in a Northeasterly direction 75 feet to the Southwest corner of said Grant Commercial Subdivision; thence in a Northeasterly direction along the Northwest line of said subdivision approximately 750 feet to the point of beginning.

PARCEL III:

Beginning at the Northern most point of Lot 1 of the Grant Commercial Subdivision in Marshall County, Alabama, as the same appears on record in Plat Book 6 page 123 in the Probate Office of Marshall County, Alabama: thence North 38° 1' East 100 feet; thence South 51° 59' East 150 feet; thence South 38° 1' West 100 feet; thence North 51° 59' West 150 feet to the point of beginning.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-712

H. 1080—Rep. Drinkard

AN ACT

Relating to Etowah County; prescribing that the county governing body may allow volunteer rescue squads, volunteer fire departments, certain retired senior citizens volunteer organizations, and certain other charitable foundations, agencies and organizations which perform a valuable public service, governmental in nature, (a) to buy gasoline and other motor fuels at the county cost and at the gasoline or motor fuel tax rate paid by the county; and (b) to have repairs made on its equipment by the county at the county's cost; and declaring legislative intent therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only to Etowah County.

Section 2. It is the legislative intent of this act to declare that volunteer rescue squads; volunteer fire departments, certain retired senior citizen volunteer organizations, and certain other charitable foundations, agencies and organizations are performing vital governmental functions or services in behalf of the public welfare of our citizens and for the public purpose. It is further declared that these volunteer organizations, agencies and foundations perform these

governmental functions or services for the public at a cost for less than it would cost the governing body to perform the same functions or services.

Section 3. The county governing body, in its sole discretion, upon resolution duly adopted, may allow any volunteer rescue squad operating within the county, to buy gasoline or other motor fuels from the county at its cost. Such purchases shall include any motor fuel or gasoline tax paid by the county.

Section 4. Said volunteer rescue squads and any volunteer fire department operating within the county shall, upon the resolution duly adopted by the county governing body, be allowed to have repairs made on its equipment by the county at the county's cost.

Section 5. The county governing body, in its sole discretion, upon resolution duly adopted, may allow any retired senior citizen volunteer organization, agency or foundation to buy gasoline or other motor fuels from the county at its cost. Such purchases shall include any motor fuel or gasoline tax paid by the county.

Section 6. Such retired senior citizens volunteer organization, agency or foundation shall, upon resolution duly adopted, be allowed to have repairs made on its equipment at the county's cost.

Section 7. Certain other charitable foundations, agencies, and organizations, which meet the legislative intent in Section 2 of this act, shall, upon motion duly adopted by the county governing body, be allowed to buy gasoline or other motor fuels from the county at its cost. Such purchases shall include motor fuel or gasoline tax paid by the county.

Section 8. Such charitable foundation, agency and organization shall, upon resolution duly adopted by the county governing body, be allowed to have repairs made on its equipment by the county at the county's cost.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-713

H.J.R. 382—Rep. Bowling

HOUSE JOINT RESOLUTION

CREATING A SELECT JOINT COMMITTEE TO STUDY AND REVIEW ALL REGULATIONS, POLICIES AND PROCEDURES OF ALL WELFARE, INCLUDING OLD AGE PENSION PROGRAMS, MEDICAID AND SOCIAL PROGRAMS FUNDED OR ADMINISTERED BY THE STATE OF ALABAMA, FOR THE PURPOSE OF RECONSTRUCTING SAME TO ELIMINATE ABLE-BODIED, AND THEREFORE INELIGIBLE, RECIPIENTS OF PUBLIC FUNDS.

WHEREAS, the funding for Alabama's various welfare, including old age pension programs, and social programs, as well as Medicaid, continue to take a larger and larger portion of the funds in our state treasury; and

WHEREAS, the costs of such programs have continued to rise at such an alarming rate that the working men and women in Alabama can hardly support their own families, much less those people who can work but refuse to do so; and

WHEREAS, with welfare fraud and medicaid abuse running rampant nationwide, the State of Alabama has no reason to expect that such abuse does not exist in our own state; and

WHEREAS, it is the intent of the Alabama Legislature that the hard-pressed taxpaying citizens of Alabama no longer be expected to foot the bill for able-bodied individuals who exert themselves only once a month to endorse and cash a check or receive their benefits provided by the responsible hard-working taxpayers of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select committee to be composed of three members of the House and three members of the Senate to be appointed by the presiding officer of each respective house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall thoroughly study and investigate the programs, policies, regulations and procedures of all welfare, medicaid and social programs, funded or administered by the State of Alabama, for the purpose of reconstructing same in order to both eliminate those able-bodied individuals who are ineligible for benefits and to reduce payments in those cases in which overpayment can be shown.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 15th legislative day of the 1982 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Total expenditures of the committee shall not exceed \$7,000.00.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-714

H.J.R. 378—Rep. Payne

HOUSE JOINT RESOLUTION

AMENDING ACT NO. 81-294, S.J.R. 121, 1981 REGULAR SESSION, WHICH CREATES A JOINT INTERIM COMMITTEE TO INVESTIGATE THE FEASIBILITY OF CREATING A PERPETUAL INTEREST FUND AND ANY OTHER INVESTMENTS AND/OR EXPENDITURES FOR THE WINDFALL STATE OIL LEASE REVENUES AND TO INVESTIGATE HOW THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES PLANS TO SPEND REVENUES RECEIVED FROM STATE OIL LEASES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 81-294, S.J.R. 121, 1981 Regular Session, is hereby amended to read as follows:

“WHEREAS, the State of Alabama finds a unique opportunity in the large windfall accruing to the state from its recent oil leases; and

“WHEREAS, no legislature in the history of Alabama has had the opportunity to address the critical needs of the State without imposing burdensome taxes upon the people; and

“WHEREAS, the possibility exists of placing the revenues of the oil leases in a perpetual interest fund and/or other investments; and

"WHEREAS, it is the responsibility of this Legislature to carefully and wisely weigh the alternatives of expending these oil lease revenues; nor therefore,

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a continuing legislative committee be established, consisting of the seven members of the Senate and the seven members of the House appointed by the Presiding Officer of each house which composes the present membership of the interim committee established by Act No. 81-294 to investigate the feasibility of establishing a perpetual interest fund and any other investment and/or expenditures that would prove to be to the best interest of the taxpayers in the State of Alabama. The committee shall further study how the Department of Conservation and Natural Resources plans to spend funds received from the leasing of bottom lands in and around Mobile Bay in 1981, also known as the 'oil and gas windfall', and also how such department plans to spend any royalty on leases received in the future. Each member of the committee shall be entitled to his regular legislative compensation, his per diem, mileage and travel expenses. Said money shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session, but they shall receive their travel expenses for all meetings attended and for any travel upon the business of the committee.

"The committee shall have authority to employ all necessary staff to perform the functions of this committee, to include, if deemed necessary, a secretary, court reporter, legal counsel and bond counsel. The necessary staff and the committee shall be paid out of funds appropriated for the use of the legislature.

"The total expenses of the committee members shall not exceed \$15,000. It is expressly stated that the expense of the staff is not included in this amount.

"The committee shall report in writing its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1982 Regular Session.

"BE IT FURTHER RESOLVED, That the committee meet with the leaders of state agencies, representatives of banks and all other financial institutions to determine the best possible method of investment."

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-715

H.J.R. 386—Rep. Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn today, Monday, May 18, 1981, they adjourn sine die.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-716.

H. 74—Rep. Kelley

AN ACT

To provide for an additional \$5.00 fee to be charged on each and every quasi-criminal, criminal case and civil action docketed in the courts of the state; to provide that said fee shall be charged and collected as other costs; to provide that all receipts from said \$5.00 fee shall be paid into the "Fair Trial Tax Fund" and shall be in addition to all amounts presently paid into said fund; and to further provide that all receipts from this additional fee collected in the municipal courts shall be distributed in accordance with Section 12-19-251.1, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. In each and every criminal or quasi-criminal case and every civil action docketed in the municipal, district and circuit courts of the state of Alabama in which the "Fair Trial Tax" is collected as provided by law, an additional \$5.00 shall be assessed by the clerk or register of the court or by the judge of such court, if there is no clerk or register, as costs in each case.

Section 2. The \$5.00 fee prescribed herein shall be charged and collected as other costs are charged and collected and shall be cumulative with and in addition to all other court costs, fees, or taxes imposed by law.

Section 3. All receipts from the \$5.00 fee prescribed herein shall be distributed to the "Fair Trail Tax Fund" as provided in Section 12-19-251, Code of Alabama 1975, and shall be in addition to all other receipts presently paid into said fund as provided by law.

Section 4. Notwithstanding the provisions of this act, the fees charged and collected in the municipal courts pursuant to the provisions of this act shall be distributed in accordance with the provisions of Section 12-19-251.1, Code of Alabama 1975.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage or approval by the Governor or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-717

H. 75—Rep. Kelley

AN ACT

To provide further for the appointment and compensation of counsel for indigent defendants in the courts of this state; providing that the trial court judge shall utilize an affidavit of substantial hardship on a form prescribed by the supreme court in determining the fact of indigency; providing that the affidavit of substantial hardship shall become a part of the court record; providing that the compensation to be paid court appointed counsel shall be computed at the rate of \$20.00 per hour for time reasonably expended out of court and \$40.00 per hour for time expended in court; providing that the total fees awarded to any one attorney shall not exceed \$1,000.00 in cases in the trial courts, \$1,000.00 in cases appealed to the supreme court or court of criminal appeals, and \$600.00 in post conviction proceedings; providing that a convicted defendant may be required to reimburse the state for the fees of counsel appointed to represent him; further providing that monies collected from a convicted defendant for the fees of court appointed counsel shall be paid into the fair trail tax fund; and to amend Sections 15-12-5, 15-12-21, 15-12-22 and 15-12-23, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 15-12-5, Code of Alabama 1975, is hereby amended to read as follows:

“Section 15-12-5. Determination of indigency and provision of defense counsel generally.

“(a) Judicial role in determining indigency. — The trial judge first having cognizance of a criminal or juvenile proceeding in his court shall determine if an accused person or petitioner for postconviction relief is an indigent defendant. Upon appeal from a trial court to the state appellate courts, the trial judge or the presiding circuit judge shall determine if the appellant is an indigent defendant. In any proceeding initiated originally in a state appellate court or in any case appealed to a state appellate court without a determination of indigency, the presiding judge or chief justice of the appellate court shall determine if the appellant or petitioner is an indigent defendant.

“(b) Criteria for determining indigency. — In determining indigency, the judge shall recognize ability to pay as a variable depending on the nature, extent and liquidity of assets, the disposable net income of the defendant, the nature of the offense, the effort and skill required to gather pertinent information and the length and complexity of the proceedings.

“(c) Investigation of indigency. — In determining the fact of indigency a judge may require an investigation and report by a district attorney, public defender, sheriff, probation officer or other officer of the court. Provided, further, that the trial court judge shall, in all cases requiring a determination of indigency, require the accused to execute an affidavit of substantial hardship on a form approved by the supreme court. The completed affidavit of substantial hardship and the subsequent order of the court either denying or granting court appointed counsel to the accused shall become a part of the official court record in the case.

“(d) Provision of defense counsel. — The judge making a determination of indigency shall provide legal representation for the indigent defendant. To the extent possible, judges shall provide continuity in legal representation.”

Section 2. Section 15-12-21, Code of Alabama 1975, is hereby amended to read as follows:

“Section 15-12-21. Appointment and compensation of counsel — Trial court.

“(a) If it appears to the trial court that such defendant is entitled to counsel, that such defendant does not expressly waive the right to assistance of counsel and that such defendant is not able financially or otherwise to obtain the assistance of counsel, the court shall appoint counsel to represent and assist the defendant; and it shall be the duty of such appointed counsel, as an officer of the court and as a member of the bar, to represent and assist said defendant.

“(b) If it appears to the trial court in a delinquency case, need of supervision case or other judicial proceeding in which a juvenile is a party, that said juvenile is entitled to counsel and that such juvenile is not able financially or otherwise to obtain the assistance of counsel or that appointed counsel is otherwise required by law, the court shall appoint counsel to represent and assist the juvenile or act in the capacity of guardian ad litem for such juvenile; and it shall be the duty of such appointed counsel, as an officer of the court and as a member of the bar, to represent and assist said juvenile.

“(c) If it appears to the trial court that the parents, guardian or custodian of a juvenile who is a party in a judicial proceeding, are

entitled counsel and such parties are unable to afford counsel, upon request the court shall appoint counsel to represent and assist such parents, guardian or custodian; and it shall be the duty of such appointed counsel, as an officer of the court and as a member of the bar, to represent and assist said parties.

“(d) Counsel appointed in cases described in subsections (a), (b) and (c) above, including such cases tried de novo in circuit court on appeal from a juvenile proceeding, shall be entitled to receive for their services a fee to be approved by the trial court. The amount of such fee shall be based on the number of hours spent by the attorney in working on such case and shall be computed at the rate of \$40.00 per hour for time expended in court and \$20.00 per hour for time reasonably expended out of court in the preparation of such case. The total fees to any one attorney in any one case, from the time of appointment through the trial of the case, including motions for new trial, shall not, however, exceed \$1,000.00. Counsel shall also be entitled to be reimbursed for any expenses reasonably incurred in such defense to be approved in advance by the trial court, but in no individual case shall such expenses exceed one-half of the allowable attorney fees provided in this section.

“(e) Within a reasonable time after the conclusion of the trial or ruling on a motion for a new trial or after an acquittal or other judgment disposing of the case, counsel shall submit to the trial court a bill for services rendered, not to exceed the amount provided in subsection (d) of this section, and such bill, if approved by the trial court, shall be submitted by the clerk of the court to the state comptroller for audit and allowance and, if approved by the comptroller, shall be forwarded to the state treasurer for payment.”

Section 3. Section 15-12-22, Code of Alabama 1975, is hereby amended to read as follows:

“Section 15-12-22. Same – Appeals.

“(a) In all criminal cases wherein a defendant has been convicted of a serious offense in which an appeal lies directly to the supreme court or court of criminal appeals and the defendant expresses his desire to appeal such conviction, the court shall cause to be entered upon its minutes a recital of notice of appeal, and the court shall then ascertain and make findings in reference to the appeal concerning those items listed in Section 15-12-20.

“(b) If it appears that the defendant desires to appeal and is unable financially or otherwise to obtain the assistance of counsel on appeal and the defendant expresses the desire for assistance of counsel, the trial court shall appoint counsel to represent and assist the defendant on appeal. The presiding judge of the court to which the

appeal is taken shall have authority to appoint counsel in the event the trial court fails to appoint and in the event it becomes necessary to further provide for counsel. It shall be the duty of such counsel, as an officer of the court and as a member of the bar, to represent and assist such defendant in the appeal.

“(c) If it appears that a juvenile who is a party to an appeal is otherwise required by law or by rule of court to be represented by appointed counsel, the trial court shall appoint counsel to represent and assist such juvenile on appeal. The presiding judge of the court to which the appeal is taken shall have authority to appoint counsel in the event the trial court fails to appoint and in the event it becomes necessary to further provide for counsel. It shall be the duty of such counsel, as an officer of the court and as a member of the bar, to represent and assist such juvenile in the appeal.

“(d) Counsel appointed to defend any indigent defendant for the appeal from a decision in any criminal or juvenile proceeding, excluding cases tried *de novo* in circuit court on appeal from a juvenile proceeding, shall be entitled to receive for their services a fee to be approved by the appellate court. The amount of such fee shall be based on the number of hours spent by the counsel in working on such appeal and be computed at the rate of \$40.00 per hour for time reasonably expended in the prosecution of such appeal, and any subsequent petition for writ of certiorari. The total fees awarded to any one attorney in any appeal and any subsequent petition for writ of certiorari, shall not, however, exceed \$1,000.00, and shall be in addition to any fees awarded on the trial court level. Such counsel shall also be entitled to be reimbursed for any expenses reasonably incurred in preparing and handling such appeal, to be approved in advance by the appellate court, but in no individual appeal shall such expenses exceed one-half of the allowable attorney fees provided in this section.

“(e) Within a reasonable time after the disposition of the appeal, counsel shall submit to the appellate court a bill for services rendered, not to exceed the amount provided in subsection (d) of this section, and such bill, when approved by the presiding judge or chief justice of the appellate court, shall be submitted by the clerk of the appellate court to the state comptroller for audit and allowance and, if approved by the comptroller, forwarded to the state treasurer for payment.”

Section 4. Section 15-12-23, Code of Alabama 1975, is hereby amended to read as follows:

“Section 15-12-23. Same — Postconviction proceedings.

“(a) In proceedings filed in the district or circuit court involving the life and liberty of those charged with or convicted of serious criminal offenses including proceedings for habeas corpus and *coram nobis*

or other postconviction remedies, and in post-trial motions or appeals in such proceedings, the trial or presiding judge or chief justice of the court in which such proceedings may be commenced or pending may appoint counsel to represent and assist those persons so charged or convicted if it appears to the court that the person charged or convicted is unable financially or otherwise to obtain the assistance of counsel and desires the assistance of counsel and it further appears that counsel is necessary in the opinion of such judge to assert or protect the rights of such person.

“(b) In proceedings filed in the district or circuit court involving juvenile offenses including proceedings for habeas corpus and coram nobis or other postconviction remedies, and in post-trial motions or appeals in such proceedings, the trial or presiding judge or chief justice of the court in which such proceedings may be commenced or pending may appoint counsel to represent and assist those juveniles so charged or convicted if it appears to the court that the juvenile charged or convicted is unable financially or otherwise to obtain the assistance of counsel and it further appears that counsel is necessary in the opinion of such judge to assert or protect the rights of such person, or court appointed counsel is otherwise required by law or rule of court.

“(c) It shall be the duty of such counsel as provided in subsections (a) and (b) of this section to represent and assist the person in such proceeding.

“(d) The counsel appointed in such proceedings shall be entitled to receive for his services a fee to be approved by the judge appointing him. The amount of such fee shall be based on the number of hours spent by counsel in working on such proceedings and be computed at the rate of \$40.00 per hour for time expended in court and \$20.00 per hour for time reasonably expended in preparation of such proceedings; provided, that the total fees to counsel for such proceedings shall not exceed \$600.00.

“(e) Claim for such fee shall be submitted, approved and paid in the same manner as provided in subsection (e) of section 15-12-22.”

Section 5. Fees awarded to appointed counsel for time expended prior to the effective date of this Act in the preparation of such cases shall be calculated at the rates in effect prior to such effective date; provided, however, that nothing in this section shall be construed so as to prevent court appointed counsel from receiving fees calculated at the rates prescribed in this Act for time expended after the effective date of this Act in the preparation of such cases. Any claim which is submitted after the effective date of this Act which is based upon hours expended both prior to and subsequent to such

effective date shall be subject to the maximum fee and expense amounts prescribed herein.

Section 6. (a) (1) A court may require a convicted defendant to pay the fees of court appointed counsel. Fees of court appointed counsel for the purposes of this Act, shall mean any attorney's fees and expenses paid an appointed counsel or public defender.

(2) The court shall not order a defendant to pay the fees of court appointed counsel unless the defendant is or will be able to pay them. In determining the amount and method of payment of these fees, the court shall take into account the financial resources of the defendant and the nature of the burden that payment of the fees will impose. A defendant who has been ordered to pay the fees of court appointed counsel and who is not in contumacious default in the payment thereof may at any time petition the court which sentenced him for remission of the payment of these fees or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or his immediate family, the court may remit all or part of the amount due in fees or modify the method of payment.

(b) (1) When a defendant is ordered to pay the fees of court appointed counsel, the court may grant permission for payment to be made in a specified period of time or in specified installments. If permission is not included in the order these fees shall be payable forthwith.

(2) When a defendant ordered to pay the fees of court appointed counsel is also placed on probation or imposition or execution of sentence is suspended the court may make payment of the fees a condition of probation or suspension of sentence.

(c) (1) When a defendant ordered to pay the fees of court appointed counsel defaults in the payment thereof or of any installment, the court on motion of the district attorney or upon its own motion may require him to show cause why his default should not be treated as contempt of court, and may issue a show cause citation or a warrant of arrest for his appearance.

(2) Unless the defendant shows that his default was not attributable to an intentional refusal to obey the order of the court or to a failure on his part to make a good faith effort to make payment, the court may find that his default constitutes contempt and may order him imprisoned as otherwise provided by law.

(3) If it appears to the satisfaction of the court that the default in a payment of the fees of court appointed counsel is not contempt, the court may enter an order allowing the defendant additional time

for payment, reducing the amount thereof of each installment or revoking these fees or the unpaid portion thereof in whole or in part.

(4) A default in the payment of the fees of court appointed counsel or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The issuance of a writ of execution for the collection of these fees shall not discharge a defendant committed to imprisonment for contempt until the amount of these fees has actually been collected.

(d) Monies collected for fees and expenses incurred by the state in furnishing representation to a convicted defendant shall be collected by the clerk of the court and shall be payable to the "Fair Trial Tax Fund," in the same manner as provided in Code of Alabama 1975, Section 12-19-251.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this Act are hereby repealed. Provisions in Section 12-15-10, Code of Alabama 1975, making attorney fees valid charges and preferred claims against the county and directing that such fees be paid by the county treasurer, are hereby specifically repealed.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-718

H. 83—Rep. Manley

AN ACT

To amend Sections 37-2-41, 37-4-23 and 37-4-24 of the Code of Alabama 1975 relating to inspection and supervision fees paid by transportation companies and utilities and the recovery of delinquent fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 37-2-41, 37-4-23 and 37-4-24 of the Code of Alabama 1975 are hereby amended to read as follows:

"Section 37-2-41

"(a) Each transportation company doing business in this state

and subject to the control and jurisdiction of the commission with respect to its rates and service regulations shall pay quarterly to the commission, beginning November 1, 1981 and on each quarter thereafter, a fee for the inspection and supervision of such business during the next preceding fiscal year. Such inspection and supervision fees shall be paid by such transportation companies in addition to any and all property, franchise, license, intangible and other taxes, fees and charges now or hereafter provided by law. No similar inspection and supervision fees shall be levied or assessed by any county or municipality of the state, and no part of such inspection and supervision fees shall be allowed to any county or municipality of this state. Such inspection and supervision fees shall be measured by the amount of gross receipts of each such transportation company for the fiscal year next preceding the dates herein fixed for the payment of the same, except that in case of such transportation companies engaged in interstate business, the fees shall be measured by the gross receipts of such transportation companies from intrastate business only, for such preceding fiscal year, and not in any respect upon receipts derived wholly or in part from interstate business. Such fees shall be ascertained as follows: A fee of \$2.50 per \$1,000.00 for the first \$100,000.00 or less of such gross receipts a fee of \$2.00 per \$1,000.00 for each additional \$1,000.00 of such gross receipts up to and including \$1,000,000.00 thereof; a fee of \$1.50 per \$1,000.00 for each additional \$1,000.00 of such gross receipts over \$1,000,000.00 thereof, but in no case shall said fee be less than \$25.00, which shall be the minimum inspection and supervision fee to be paid by any transportation company, and this amount shall in any event be paid over on a quarterly basis beginning November 1, 1981, at which time the first amount due based upon the remainder of the fiscal year January 1, 1981 through September 30, 1981 is to be paid and then to be paid on each quarter thereafter, on February 1, May 1, August 1, and every year thereafter to be paid over on November 1, February 1, May 1, and August 1 for the preceding fiscal year, provided, however, that the maximum amount so to be paid for any one year by any such transportation company operating any railroad, or part of a railroad in this state, shall be \$5,000.00. The commission shall keep a true record of all such amounts so paid to it, but said amount, when received by the commission, shall be promptly paid over to the treasurer, and shall be held in a separate fund by, and shall be paid out by the treasurer in payment of expenses incurred by the commission in the regulation of the transportation companies, upon warrants drawn as provided by law upon the treasurer and approved as required by law. Payment of the supervision and inspection fees provided for hereunder shall in all respects be governed by the provisions of subsections (b) and (c) of this section.

“(b) Supervision and inspection fees provided for in this article shall be in default after February 1, May 1, August 1 and November 1 of each year, if not paid prior to or on that date. In the event that the amount payable by any transportation company for any quarter cannot be ascertained on or before the dates herein prescribed for payment each year, such transportation company shall, in any event, pay the minimum supervision and inspection fee herein provided and in addition such part of any additional supervision and inspection fee as may be ascertainable on or before the date of default; and when any further or additional amount payable for such quarter can be ascertained, the same shall be paid within 30 days after it becomes possible to ascertain the same. Any transportation company failing in whole or in part to pay any supervision or inspection fee, or part thereof, due by it within any of the times herein prescribed for payment of the same, shall be in default and shall be liable to a penalty of not exceeding \$50.00 per day, to be recovered by suit of the state, for every day it thereafter remains in default, and such penalty may be recovered together with the supervision and inspection fee in default, in a single action.

“(c) Any transportation company may, at their own election, pay over the total fees due for the preceding fiscal year on November 1 of each year. Such payment to be governed by the provisions of subsections (b) and (d) of this section.

“(d) The state shall have a lien upon all the property in this state of any transportation company for the payment of the supervision and inspection fees provided for in this chapter to be paid and the penalties in this chapter provided for, which lien shall be superior to all other liens, except the lien for state, county and municipal taxes.”

“Section 37-4-23

“Each utility, as defined in this chapter, doing business in this state and subject to the control and jurisdiction of the commission with respect to its rates and service regulations, shall pay quarterly to the commission beginning November 1, 1981 and on each quarter thereafter, a fee for the inspection and supervision of such business. Such inspection and supervision fees shall be paid by such utilities in addition to any and all property, franchise, license, intangible and other taxes, fees and charges now or hereafter provided by law. No similar inspection and supervision fees shall be levied or assessed by any county or municipality of the state, and no part of such inspection and supervision fees shall be allowed to any county or municipality of this state. Such inspection and supervision fee shall be measured by the amount of the gross receipts of each such utility for the fiscal

year next preceding the dates fixed in this article for the payment of the same, except that in case of such utilities engaged in interstate business, the fees shall be measured by the gross receipts of such utilities from intrastate business only, for such preceding fiscal year, and not in any respect upon receipts derived wholly or in part from interstate business. Such fees shall be ascertained as follows: A fee of \$2.50 per \$1,000.00 for the first \$100,000.00 or less of such gross receipts; a fee of \$2.00 per \$1,000.00 for each additional \$1,000.00 of such gross receipts up to and including \$1,000,000.00 thereof; and a fee of \$1.50 per \$1,000.00 for each additional \$1,000.00 of such gross receipts over \$1,000,000.00 thereof; but in no case shall said fee be less than \$25.00, which shall be the minimum inspection and supervision fee to be paid by any utility, and this amount shall in any event be paid over on a quarterly basis beginning November 1, 1981, at which time the first amount due based upon the remainder of the fiscal year January 1, 1981 through September 30, 1981 is to be paid and then to be paid on each quarter thereafter, on February 1, May 1, August 1 and every year thereafter to be paid over on November 1, February 1, May 1, and August 1 for the preceding fiscal year. The commission shall keep a true record of all such amounts so paid to it, but said amounts when received by the commission shall be promptly paid over to the treasurer and shall be held in a separate fund by him, and shall be paid out by the treasurer in payment of expenses incurred by the commission in the regulation of the utilities, upon warrants drawn by the comptroller on the treasurer, and approved by said commission or a majority thereof. Subject to the provisions of the merit system, the commission shall have power to employ such assistants as may be found necessary to aid the commission in such regulation, and to make payment for any necessary traveling or incidental expenses incurred in connection with such regulation, which shall be paid out of said fund as aforesaid, so far as it may be available. Payment of the supervision and inspection fees provided for under this section shall in all respects be governed by the provisions of section 37-4-24."

"Section 37-4-24

"(a) Supervision and inspection fees provided for in this chapter shall be in default after February 1, May 1, August 1 and November 1 of each year, if not paid prior to or on that date. In the event that the amount payable by any utility for any quarter cannot be ascertained on or before the dates herein prescribed for payment each year, such utility shall, in any event, pay the minimum supervision and inspection fee provided in this article, and in addition such part of any additional supervision and inspection fee as may be ascertainable on or before the date of default; and when any further or additional amount payable for such quarter can be ascertained, the same shall be paid within 30 days after it becomes possible to ascertain the same.

Any utility failing, in whole or in part to pay any supervision or inspection fee, or part thereof, due by it within any of the time prescribed in this article, for the payment of the same, shall be in default, and shall be liable to a penalty of not exceeding \$50.00 per day, to be recovered by a civil action brought by the state, for every day it thereafter remains in default, and such penalty may be recovered together with the supervision and inspection fee, in default, in a single action. And the state shall have a lien upon all the property in this state of any utility for the payment of the supervision and inspection fees provided by this chapter, to be paid, and the penalties in this section provided for, which lien shall be superior to all other liens, except the lien for state, county and municipal taxes.

“(b) Any utility company may, at their own election, pay over the total fees due for the preceding fiscal year on November 1 of each year.”

Section 2. All laws or parts of laws which conflict with this act are hereby repealed and shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-719

H. 226—Rep. Barton

AN ACT

This bill relates to legal expense insurance and to Legal Service Insurance Corporations; creating chapter 42 of Title 27, Code of Alabama, 1975, consisting of ss. 27-42-1 through 27-42-23; authorizing organization of legal service insurance corporations, providing for exceptions; providing for public regulation of legal service insurance corporations; providing for deposit or bond; providing policy and certificate form and premium rate requirements; requiring annual reports and making certain provisions of the insurance laws applicable to legal service insurance corporations; providing for registration of contracting sales agents and the reporting and accounting of funds received; providing grounds and procedure for compulsory and discretionary revocation, suspension or refusal of registration for contract sales agents; providing for administrative fine in lieu of suspension or revocation of registration; providing that the act shall not regulate the practice of law or the authority of the Supreme Court of Alabama or State Bar of Alabama; providing an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Chapter 42 of Title 27 of the Code of Alabama, 1975, consisting of ss. 27-42-1 through 27-42-23 is created to read:

27-42-1 Short Title — Sections 27-42-1 through 27-42-23 shall be known and may be cited as the “Legal Expense Insurance Act”.

27-42-2 Purpose — The purpose of ss. 27-42-1 through 27-42-23 is to authorize state certification and regulation of organizations which provide programs for the payment of the costs of legal services.

27-42-3 Definitions — As used in this chapter unless the context requires otherwise:

- (1) “Department” means the Department of Insurance;
- (2) “Commissioner” means the Commissioner of Insurance of this State;
- (3) “Insurer” means any person authorized to do a casualty insurance business as an insurer in this state and organizations authorized to transact legal expense insurance under section 27-42-8 of this act;
- (4) “Legal Expense Insurance”, (irrespective of the definition of insurance in other chapters under Title 27), means the assumption of a contractual obligation to pay for specific legal services, or to reimburse for specific legal expenses, in consideration of a specified payment in advance for an interval of time, regardless of whether the payment is made by the beneficiaries individually or by a third person for them, but does not include the provision of or reimbursement for legal services incidental to other insurance coverages.

27-42-4 Exceptions — The insurance laws of this state, including this chapter, do not apply to:

- (1) Retainer contracts made by attorneys at law with individual clients with fees based on estimates of the nature and amount of services to be provided to the specific client, and similar contracts made with a group of clients involved in the same or closely related legal matters;
- (2) Any lawyer referral services authorized by the State Bar of Alabama;
- (3) The furnishing of legal assistance by labor unions and other employee organizations to their members in matters relating to employment or occupations;
- (4) The furnishing of legal assistance to members and/or dependents, by churches, cooperatives, educational institutions, credit unions, labor unions or other organizations of employees where such organizations contract with and pay directly a lawyer or law firm(s) for the provision of legal services where the assistance is provided as an incident to membership and not on the basis of an optional fee

or charge and the administration of such program of such program of legal assistance is wholly conducted by the organization;

(5) Employee welfare benefit plans to the extent that state laws are superseded by Section 514 of the Employee Retirement Income Security Act 1974, provided evidence of exemption from state laws is shown to the Department.

27-42-5 Prepaid Legal Services Organization Authorization Required.

(1) No person or organization may do a prepaid legal expense insurance business in this state unless authorized to do so by the Commissioner;

(2) This section does not apply to organizations exempt pursuant to section 27-42-4, Code of Alabama, 1975.

27-42-6 Insurers Eligible to Transact Legal Expense Insurance—

(1) Any domestic, foreign or alien insurer authorized to transact casualty insurance in this state may transact legal expense insurance in this state.

(2) Legal service insurance corporations possessing a valid certificate of authority may transact legal expense insurance in this state.

27-42-7 Organization of Legal Service Insurance Corporation —

(1) Any number of corporate or adult natural persons may organize a legal service insurance corporation under this section;

(2) The articles of incorporation shall conform to the requirements applicable to corporations, except that;

(a) The name of the corporation shall indicate that payment for legal services or indemnity for legal expenses is to be provided;

(b) The purposes of the corporation shall be limited to payment for legal services or indemnity for legal expenses and business expenses reasonably related thereto.

27-42-8 Authorization of Legal Service Insurance Corporation —

(1) The incorporators shall file with the Commissioner an application for a certificate of authority to do business upon a form to be furnished by the Department, which shall include or have attached the following;

(a) The names, and for the preceding 10 years, all addresses and all occupations of all incorporators and proposed directors and officers;

(b) A certified copy of the corporate articles and by-laws and a list of the names, addresses, and occupations of all directors and principal officers and, if previously incorporated, for the three most recent years, the corporation annual statements and reports;

(c) All agreements relating to the corporation to which any incorporator or proposed director or officer is a party;

(d) A statement of the amount and sources of the funds available for organization expenses and the proposed arrangements for reimbursement and compensation of incorporators or other persons;

(e) A statement of compensation of directors and officers;

(f) The forms to be used for any proposed contracts between the corporation and providers of legal services and any corporations which perform administration, marketing or management services, concerning the provision of services to insureds;

(g) The plan for conducting the insurance business, including all of the following:

1. The geographical area in which business is intended to be done in the first five years;

2. The types of insurance intended to be written in the first five years, including specification whether and to what extent indemnity rather than service benefits are to be provided;

3. The proposed marketing methods;

4. Actuarial data or other similar statistical data, documented and verified in such manner as the Department may reasonably require, affirmatively demonstrating the anticipated income and expenses in the first five years, including, without limitation, the projected expenditure for legal services; and projected source of funds to make up any anticipated deficits.

(h) A current statement of the assets and liabilities of the applicant;

(i) Forms of all prepaid legal service contracts the applicant proposes to offer showing the rates to be charged for each form of contract;

(j) Such other documents or information as the Department may reasonably require;

(2) Copies of the documents filed pursuant to items (f) and (i) of section 27-42-8(1) shall be filed with the State Bar of Alabama within 5 days of filing with the Commissioner;

(3) The Commissioner shall issue a certificate of authority if he is satisfied that:

(a) All requirements of law have been met;

(b) All natural persons who are incorporators, the directors and principal officers of corporate incorporators, and the proposed directors and officers of the corporation being formed are trustworthy and competent and collectively have the competence and experience to engage in the particular insurance business proposed; and

(c) The business plan is consistent with the interests of the corporation's potential insureds and of the public.

27-42-9 Required Deposit or Bond –

(1) To assure the faithful performance of its obligations in the event of insolvency each corporation authorized under section 27-42-8 shall, through the Commissioner, deposit and maintain with the Treasurer of the State securities of the type eligible for deposit by insurers under section 27-6-3, which securities shall have at all times a market value as follows:

(a) An insurer which has transacted no legal expense insurance in this state prior to January 1, 1982, shall, prior to the issuance of its certificate of authority and before receiving any premiums, place in trust with the Treasurer of the State, through the Commissioner an initial amount of \$50,000.00;

(b) An insurer transacting a legal expense insurance business in this state prior to January 1, 1982 and having in force in this state less than \$300,000.00 of gross written premiums, membership fees, or similar charges, shall place in trust with the Treasurer of the State, through the Commissioner, a sum equal to 50% of the gross premiums in force or \$50,000.00 whichever is less;

(c) An insurer transacting a legal expense insurance business in this state prior to January 1, 1982, and having in force in this state more than \$300,000.00 but less than \$750,000.00 of gross written premiums, membership fees, or similar charges, in this state shall place in trust with the Treasurer of the State, through the Commissioner an amount not less than \$75,000.00;

(d) An insurer transacting a legal expense insurance business in this state prior to January 1, 1982, and having in force in this state \$750,000.00 or more of gross written premiums, membership fees, or similar charges, in this state shall place in trust with the Treasurer of the State, through the Commissioner, an amount equal to \$100,000.00;

(2) In lieu of any deposit of securities required under subsection (1) and subject to the Commissioner's approval, a legal service insurance corporation may file with the Treasurer of the State a surety bond issued by a surety insurer authorized to serve as surety under the provisions of Chapter 24 of the Insurance Code of Alabama. The bond shall be for the same purpose as the deposit in lieu of which it is filed. The Department shall not approve any bond under the terms of which the protection afforded against insolvency is not equivalent to the protection afforded by those securities provided for in subsection (1);

(3) Securities or bonds posted pursuant to this section shall be for the benefit of and subject to action thereon in the event of insolvency or impairment of any legal service insurance corporation by any person or persons sustaining an actionable injury due to the failure of the corporation to faithfully perform its obligations to its insureds;

(4) The state shall be responsible for the safekeeping of all securities deposited with the Treasurer of the State under this part. Such securities shall not, on account of being in this state, be subject to taxation, but shall be held exclusively and solely to guarantee the legal service insurance corporation's performance of its obligations to its insureds;

(5) Such deposit or bond shall be maintained unimpaired as long as the legal service insurance corporation continues in business in this state. Whenever the corporation ceases to do business in this state and furnishes the Commissioner proof satisfactory to the Commissioner that it has discharged or otherwise adequately provided for all its obligations to its insureds in this state, the Treasurer of the State shall release the deposited securities to the parties entitled thereto, on presentation of the Treasurer's receipts for such securities, or shall release any bond filed with it in lieu of such deposit;

(6) The Commissioner may at any time enter an order increasing the amount of the deposit or bond specified under subsections (1) and (2) if he finds that there has been a substantial change in the facts, including an increase in the amount of premiums, membership fees, or similar charges in force in this state on which the original determination was based. The Commissioner shall hold a hearing within 30 days after receiving a request from the corporation submitted within 30 days after being notified of the modification order. Failure to meet the new requirements within 30 days after final decision or after the expiration of the 30-day period for submitting the hearing request constitutes a ground for rehabilitation.

(1) Legal expense insurance may be written as individual, group, blanket or franchise insurance. Each contractual obligation for legal expense insurance must be evidenced by a policy. Each person insured under a group policy must be issued a certificate of coverage;

(2) No policy or certificate of legal expense insurance may be issued in this state unless a copy of the form has been filed and approved by the Commissioner;

(3) The Commissioner may not approve any form that does not meet the following requirements;

(a) Policies must contain a list and description of the legal service payments promised or the legal matters for which expenses are to be reimbursed, and any limits on the amounts to be paid or reimbursed;

(b) Policies and certificates must indicate the name of the insurer and the full address of its principal place of business;

(c) Certificates issued under group policies must contain a full statement of the benefits provided and exceptions thereto but may summarize the other terms of the master policy;

(d) Policies promising payment for legal services to be provided by a limited number of attorneys who have concluded provider contracts with the insurer, whether the attorney in an individual case is to be selected by the insured or by the insurer, must provide for alternative benefits in the case where the insured is unable to find a participating attorney willing to perform the promised services or the attorney selected by the insurer is disqualified or otherwise unable to perform the promised services; the alternative benefit may consist of furnishing the services of an attorney selected and paid by the insurer or paying the fee of an attorney selected by the insured; the policy must also provide a procedure that includes impartial review for settling disagreements about the grounds for demanding an alternative benefit;

(e) No policy except one issued by a mutual or reciprocal insurance company, may provide for assessments on policyholders or for reduction of benefits for the purpose of maintaining the insurer's solvency;

(f) Policies must contain a statement that the subscriber has a right to complain to The State Bar of Alabama about attorney conduct pursuant to the plan;

(g) Policies must contain a statement that the individual beneficiary has the right to retain, at his own expense except where the

policy provides otherwise, any attorney authorized to practice law in the state;

(4) The Department may disapprove a policy or certificate form if it finds that it:

(a) Is unfair, unfairly discriminatory, misleading, ambiguous or encourages misrepresentation or misunderstanding of the contract;

(b) Provides coverage or benefits or contains other provisions that would endanger the solvency of the insurer;

(c) Is contrary to law.

27-42-11 Premium Rates —

(1) No policy of legal expense insurance may be issued in this state unless the premium rates for the insurance have been filed with and approved by the Commissioner;

(2) Premium rates must be established and justified in accordance with generally accepted insurance principles, including but not limited to the experience or judgment of the insurer making the rate filing or actuarial computations;

(3) The Commissioner may disapprove rates that are excessive, inadequate or unfairly discriminatory. Rates are not unfairly discriminatory because they are averaged broadly among persons insured under group, blanket or franchise policies;

(4) The Commissioner may require the submission of whatever relevant information is deemed necessary in determining whether to approve or disapprove a filing made under this section or section 27-42-10, Code of Alabama, 1975.

27-42-12 Contracts by Insurers —

(1) Contracts made between the insurer and participating attorneys, management contracts and contracts with other providers of services by the legal expense insurance policy must be filed with and approved by the Commissioner;

(2) Insurers must annually report to the Commissioner in such detail as is reasonably required, the number and geographical distribution of attorneys and other providers of services covered by the legal expense insurance policy with whom it maintains contractual relations, and the nature of the relations. For individual insurers or groups of insurers the Commissioner may require more frequent reports.

27-42-13 Provisions of General Insurance Law Applicable to Legal Service Insurance Corporations —

(1) A legal service insurance corporation will pay the prescribed fees and taxes required of a domestic casualty insurer;

(2) The following provisions of the insurance laws of this state apply to legal service insurance corporations authorized under section 27-42-8, Code of Alabama, 1975, to the extent that they are not inconsistent with the provisions of this act:

(a) Chapters 27-1 and 27-2, Code of Alabama, 1975 – Administration and General Provisions;

(b) Chapter 27-4, Code of Alabama, 1975 – Fees & Taxes

(c) Chapter 27-6, Code of Alabama, 1975 – Administration of Deposits

(d) Chapter 27-11, Code of Alabama, 1975 – Unfair Trade Practices

(e) Chapter 27-32, Code of Alabama, 1975 – Insurer Insolvency; Rehabilitation and Liquidation;

(3) The Commissioner may by rule modify or waive any requirements referred to in subsection (2), for legal service insurers if that is necessary to avoid unreasonable hardship, expense, or inconvenience and if the interests of policyholders continue to be adequately protected.

27-42-14 Registration Required –

No person shall solicit, negotiate, advertise, or effectuate legal expense insurance contracts in this state unless such person is registered as a contracting sales agent or is utilized by a contracting sales agent.

27-42-15 Contracting Sales Agents to be Registered –

Every legal service insurance corporation shall, on forms prescribed by the Commissioner, register, on or before October 1 of each year, the name and business address of each contracting sales agent utilized by it in Alabama and shall, within 30 days after termination of the contract, notify the Commissioner of such termination. At the time of said annual registration, a \$10 filing fee for each contracting sales agent shall be paid by the legal service insurance corporation to the Commissioner. Any contracting sales agent utilized subsequent to the October 1 filing date shall be registered with the Department within 10 days after such utilization. Such contracting sales agents shall be subject to the same regulations and controls as provided for casualty insurance representatives in Chapter 7 of the Alabama Insurance Code.

27-42-16 Reporting and Accounting for Funds –

(1) All funds belonging to legal service insurance corporations, or others received by a contracting sales agent in transactions under his registration shall be trust funds so received by such agent in a fiduciary capacity, and the agent, in the applicable regular course of business, shall account for and pay the same to the legal service insurance corporation or other person entitled thereto;

(2) Any contracting sales agent who, not being entitled thereto, diverts or appropriates such funds or any portion thereof to his own use shall upon conviction be guilty of theft of property punishable as provided in sections 13A-8-2 through 13A-8-5, Alabama Criminal Code.

27-42-17 Grounds for Compulsory Refusal, Suspension, or Revocation of Registration of Contracting Sales Agents –

The Commissioner shall deny, suspend, revoke, or refuse to renew or continue the registration of any contracting sales agent if it is found that as to the agent, any one or more of the following applicable grounds exist;

(1) Material misstatement, misrepresentation, or fraud in registration;

(2) The registration is willfully used or is to be used, to circumvent any of the requirements or prohibitions of this chapter;

(3) Willful misrepresentation of any legal service expense contract or willful deception with regard to any such contract, done either in person or by any form of dissemination of information or advertising;

(4) In the adjustment of claims he has materially misrepresented to a contract holder or other interested party the terms and coverage of a contract, with the intent and for the purpose of effecting settlement of such claim on less favorable terms than those provided in and contemplated by the contract;

(5) For demonstrated lack of fitness or trustworthiness to engage in the business of legal service insurance;

(6) For demonstrated lack of adequate knowledge and technical competence to engage in the transactions authorized by the registration;

(7) Fraudulent or dishonest practices in the conduct of business under the registration;

(8) Misappropriation, conversion, or unlawful withholding of moneys belonging to a legal service corporation, or to others, and received in the conduct of business under the registration;

(9) For rebating, or attempting to rebate, or for unlawfully dividing, or offering to divide, his commission with another;

(10) Willful failure to comply with, or willful violation of, any proper order or rule of the Department or willful violation of any provision of this part.

27-42-18 Ground for Discretionary Refusal, Suspension, or Revocation of Registration of Contracting Sales Agents –

The Commissioner may, in his discretion, deny, suspend, revoke or refuse to renew or continue the registration of any contracting sales agent if it is found, after notice and hearing thereon as provided in section 27-42-19, that as to the agent any one or more of the following applicable grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under section 27-42-17.

(1) Any cause for which granting of the registration could have been refused had it then existed and been known to the Department;

(2) Violation of any provision of this part, or of any other law applicable to the business of legal service insurance in the course of dealings under the registration;

(3) Violation of any lawful order or rule of the Commissioner;

(4) Failure or refusal to pay over, upon demand, to any legal service insurer he represents or has represented any money coming into his hands, belonging to the legal service insurance corporation;

(5) In the conduct of business under the registration he has engaged in unfair methods of competition or in unfair or deceptive acts or practices, as such methods, acts, or practices are or may be defined under Section 27-7-19 or The Alabama Insurance Code, or has otherwise shown himself to be a source of injury or loss to the public or detrimental to the public interest;

(6) Conviction of a felony

27-42-19 Procedure for Refusal, Suspension, or Revocation of Registration of Contracting Sales Agent –

(1) If any contracting sales agent is convicted by a court of a violation of any provision of this chapter, the registration of such individual shall thereby be deemed to be immediately revoked without any further procedure relative thereto by the Commissioner:

(2) As to a registration denied, suspended, or revoked by the Commissioner, the persons aggrieved thereby shall have the right to a hearing thereon as provided in section 27-7-37 of the Alabama Insurance Code.

(3) If, after an investigation or upon other evidence, the Department has reason to believe that there may exist any one or more grounds for the suspension or revocation of, or refusal to renew or continue, the registration of any contracting sales agent, as such grounds are specified in ss. 27-42-17 and 27-42-18, the Department may proceed to suspend, revoke, or refuse to renew or continue the registration as the case may be;

(4) Whenever it appears that any licensed insurance agent has violated the provisions of this chapter, the Commissioner may take such action relative thereto as is authorized by the Alabama Insurance Code as for a violation of the Alabama Insurance Code by such agent.

27-42-20 Administrative Fine in Lieu of Suspension or Revocation of Registration —

(1) If, pursuant to procedures provided for in this chapter, it is found that one or more grounds exist for the suspension or revocation of, or refusal to renew or continue, any registration issued under this chapter, and except when such suspension, revocation, or refusal is mandatory, an order may be entered imposing upon the registrant, in lieu of such suspension, revocation, or refusal, an administrative penalty for each violation in the amount of \$100 or, in the event of willful misconduct or willful violation on the part of the registrant, an administrative fine of \$500. The administrative penalty may be augmented in amount by an amount equal to any commissions received by or accruing to the credit of the registrant in connection with any transaction to which the grounds for suspension, revocation, or refusal related;

(2) The order may allow the registrant a reasonable period, not to exceed 30 days, within which to pay to the Commissioner the amount of the penalty so imposed. If the registrant fails to pay the penalty in its entirety to the Commissioner at his office in Montgomery within the period so allowed, the registration of the registrant shall stand suspended or revoked, or renewal or continuation may be refused, as the case may be, upon expiration of such period and without any further proceedings.

27-42-21 All monies received from licenses and fees shall be deposited to the credit of the Examiners' Revolving Fund of the Department of Insurance.

27-42-22 Nothing contained herein shall be construed to regulate the practice of law or limit the powers or authority of the Supreme Court of Alabama or State Bar of Alabama in the regulation of the conduct of attorneys.

27-42-23 The Commissioner shall devise and promulgate rules and regulations, not inconsistent with the provisions of the Act, as he deems advisable for effectuating its orderly administration.

Section 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, it is the legislative intent that the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared severable.

Section 3. This act shall take effect Januray 1, 1982.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-720

H. 513—Rep. Crow

AN ACT

To amend Sections 9-11-48 and 9-11-49, Code of Alabama 1975, which provide for nonresident licenses for hunting trips, so as to extend the period of the trip to seven days.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 9-11-48 and 9-11-49, Code of Alabama 1975, are hereby amended to read as follows:

“Section 9-11-48. Any nonresident of this state who is 16 years old or older must procure a ‘trip small game hunting license’ to hunt all legal game in this state except deer and turkey in the same manner as provided for procuring nonresident annual hunting licenses provided for in sections 9-11-46 and 9-11-47 by paying therefor the sum of \$14.25, which license will authorize the holder thereof to hunt in this state for a period of seven days from the day said license was issued.

“Section 9-11-49. Any nonresident of this state who is 16 years old or older must procure a ‘trip all game hunt license’ to hunt all legal game in this state in the same manner as provided for procuring the nonresident annual hunting licenses provided for in sections 9-11-46 and 9-11-47 by paying therefor the sum of \$35.25, which license will authorize the holder thereof to hunt in this state for a period of seven days from the day said license was issued.

Section 2. This act shall become effective immediately upon its

passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-721

H. 769—Reps. Stout, Drinkard, Smith (J),
Amari, Coburn, Hall, Albright,
Carter, Ford, Patton, Carothers,
Brakefield, Riddick, Adams (H),
Stewart, Penry, Starkey, Roberts,
Mitchell, Rains, Kelley, Shavers,
Bennett, Smith (C), Blake,
Harper (O), Gafford, Cates, Letson,
Harvey, Minus, Naramore, Crow,
Smith (M), Clark (G), Goodwin,
Johnson (R. G.), Laird, Holley,
Wyatt, Venable, Bedsole,
Waggoner, Moore, Trammell,
Adams (C), Ray, Johnson (Roy),
Dial, Manley, Bowling, Greer

AN ACT

To provide for and authorize the incorporation and organization of a public corporation in the state to be named the Alabama synfuels development authority for the purpose of furthering the development of synthetic fuels; to designate the officers and members of the board of directors of the authority; to define and describe the duties and obligations of the authority; to prescribe the powers of the authority; and to provide for the dissolution of the authority.

Be It Enacted by the Legislature of Alabama:

Section 1. The following words and phrases used in this act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

(1) **AUTHORITY.** The public corporation organized pursuant to the provisions of this act.

(2) **BOARD.** The board of directors of the authority.

(3) **COUNTY.** A county in the state.

(4) **DIRECTOR.** A member of the board of directors of the authority.

(5) **MUNICIPALITY.** An incorporated city or town of the state.

(6) **PERSON.** Unless limited to a natural person by the context in which it is used, such term includes a public or private corporation organized under the laws of Alabama or of another state, a municipality, a county, or an agency, department or instrumentality of a county or municipality, of one or more of the several states, or of the United States.

(7) **PROPERTY.** Such term means and includes real and personal property, and interests therein.

(8) **STATE.** In the absence of clear implication herein otherwise, such term means the state of Alabama.

(9) **SYNFUEL.** Such term means synthetic fuel which is any solid, liquid or gas, or combination thereof, which can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstock) and which is produced by chemical or physical transformation (other than washing, coking, desulfurizing) of domestic sources of—

- a. Coal, including lignite and peat;
- b. Shale;
- c. Tar sands, including those heavy oil resources where:

1. The cost and technical and economic risk make extraction and processing of a heavy oil resource uneconomical under applicable pricing and tax policies, and

2. The cost and risk are comparable to those associated with shale, coal, and tar sand resources (other than heavy oil).

- d. Water, as a source of hydrogen only through electrolysis.

Such term includes mixture of coal and combustible liquids including petroleum. Such term does not include solids, liquids or gases or combination thereof derived from bio-mass, which includes timber, animals and timber waste, municipal and industrial waste, sewage, sludge, oceanic and terrestrial plants, and other organic matter.

Section 2. The legislature hereby makes the findings of facts and declaration of intent hereinafter set forth in this section.

The development of synthetic fuels in the state, utilizing our energy resources such as coal and shale oil, will provide significant impact to the economy of Alabama and would stimulate the development of commerce, agriculture and industry in all areas of the state.

Alabama has vast reserves of coal and shale oil, which upon development will create industrial growth, many job opportunities and additional revenues for the state of Alabama.

In order to further the developments herein found to be beneficial, it is the intention of the legislature to authorize the formation of a public corporation for the following purposes:

(1) To cooperate with the United States, the Tennessee Valley Authority, the state of Alabama, other participating states, counties and municipalities, with all agencies, departments and instrumentalities of such political entities, and with private individuals, corporations, associations and other persons in furthering the development of synfuel projects;

(2) To undertake all obligations and perform all actions that shall be necessary to fulfill the requirements of local contribution, participation and cooperation now established by the United States or the Tennessee Valley Authority; and

(3) To cooperate generally with the United States, the Tennessee Valley Authority, the state of Alabama, other participating states, counties and municipalities, with all agencies, departments and instrumentalities of such political entities in promoting projects in the state for energy independence, supply of fuels to industry, economic development and related purposes.

It is further the intention of the legislature to authorize such public corporation to supervise the sale of any bonds authorized to be issued for synfuel projects from time to time by act of the legislature.

Section 3. The governor, the lieutenant governor, the speaker of the house of representatives, the director of finance and the Director of the Alabama Department of Energy may become a public corporation, with the powers hereinafter provided, by proceeding according to the provisions of this act.

Section 4. To become a corporation, the governor, the lieutenant governor, the speaker of the house of representatives, the director of finance and the Director of the Alabama Department of Energy shall present to the secretary of state of Alabama an application signed by each of them which shall set forth:

(1) The name, official designation and official residence of each of the applicants, together with certificates respecting the due election of those who are elected to the offices respectively held by them and certified copies of the commissions evidencing the due appointment of those who are appointed to the offices respectively held by them;

(2) The date on which each applicant was inducted into office and the term of office of each applicant;

(3) The name of the proposed corporation, which shall be the Alabama synfuels development authority;

(4) The location of the principal office of the proposed corporation; and

(5) Any other matter relating to the proposed corporation which the applicants may choose to insert and which is not inconsistent with this act or the laws of the state of Alabama.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state of Alabama to take acknowledgments to deeds. The secretary of state shall examine the application and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

Section 5. When the application has been made, filed and recorded, as herein provided, the applicants shall constitute a public corporation under the name submitted in the application, and the secretary of state shall make and issue to the applicants a certificate of incorporation under the great seal of the state and shall record the certificate with the application. There shall be no fees paid to the secretary of state for any service rendered or work performed in connection with the authority thus formed, its incorporation, dissolution or records.

Section 6. The board of directors of the authority shall consist of the governor, the lieutenant governor, the speaker of the house of representatives, the director of finance, the Director of the Alabama Department of Energy and one member from each congressional district in the state to be appointed by the governor from recommendations made by the member of the United States House of Representatives representing each district. The governor shall be the president of the authority, the lieutenant governor shall be its vice-president, and the director of finance shall be its secretary. The state treasurer shall be the treasurer of the authority and shall act as custodian of its funds, but he shall not be a member of the authority. Any seven members of the board of directors shall constitute a quorum for the transaction of business. Should any person holding any state office named in this section cease to hold office by reason of death, resignation of his term of office, or for any other reason, then his successor in office shall take his place as a member and officer of the authority.

Except as hereinafter provided, no member, officer or director of the authority shall receive any compensation in addition to that now

authorized by law for any service they may render or for any duty they may perform in connection with the authority; provided, that the lieutenant governor and the speaker of the house of representatives shall receive for each day devoted to the business of the authority the same per diem compensation and allowance that would be paid to them for attending legislative sessions, but this special compensation and allowance shall not be allowed on days when the lieutenant governor and the speaker of the house of representatives are paid per diem compensation and allowance for attending legislative sessions. The herein provided for special compensation and allowance of the lieutenant governor and the speaker of the house of representatives shall be paid out of the moneys appropriated for the expenses of the legislature in the same manner that the per diem compensation and allowance of legislators serving on interim committees are paid.

All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the authority and recorded in a substantially bound book, which shall be kept in the office of the secretary of state. Copies of such proceedings, when certified by the secretary of the authority, under the seal of the authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 7. The authority shall have the following powers:

- (1) To have succession by its corporate name without time limit;
- (2) To bring civil actions and have civil actions brought against it and to prosecute and defend in any court having jurisdiction of the subject matter and of the parties;
- (3) To have and to use a corporate seal and to alter the same at pleasure;
- (4) To receive, take and hold by sale, gift, lease, devise or otherwise real and personal property of every kind and description, and to manage the same;
- (5) To acquire by purchase, gift or the exercise of the power of eminent domain, or any other lawful means, and to convey or cause to be conveyed to the United States, the Tennessee Valley Authority, the state of Alabama, any county or municipality in the state, or to any agency, department or instrumentality of such political entities, or to any public corporation, any real, personal or mixed property necessary or convenient to the authority in the performance of its duties and obligations in connection with the development of synfuels;
- (6) To exercise the right of eminent domain as freely and completely as, and in the same manner that, the state of Alabama

is empowered to exercise such right; provided, however, that the authority shall not exercise the power of eminent domain with respect to any property or interests in any property previously devoted to the public use, particularly the authority shall not exercise the power of eminent domain with respect to any coal, oil or natural gas owned or controlled by any utility operating within the state or an affiliate or subsidiary of any such utility;

(7) To enter into contracts with the United States, the Tennessee Valley Authority, the state of Alabama, counties and municipalities, with all agencies, departments and instrumentalities of such political entities, and with private individuals, firms, corporations and other persons for any purpose related to the authority's duties and obligations in connection with the synfuels project;

(8) To appoint and employ such attorneys and agents as the business of the authority may require;

(9) To appoint and employ an administrator and supporting staff with such duties and powers, for such terms, and at such salaries as the board of directors shall deem advisable;

(10) To utilize the staff of the Alabama Department of Energy to perform any of the functions of the Alabama synfuels development authority that the board of directors shall deem appropriate until such time as the authority has sufficient funds to employ staff as provided by subsection (9) above.

Section 8. The aggregate monetary obligation that the authority may incur in connection with its contracts shall not at any time exceed the sum of:

(1) Any uncommitted or unencumbered moneys then appropriated to the authority by the legislature, and

(2) Any uncommitted or unencumbered proceeds of bonds available or to become available from bonds authorized by the legislature.

No contract involving the expenditure of money, whether now or later, shall be approved or ratified by the board of directors unless the resolution approving or ratifying the same shall include a determination that there will be compliance with the preceding limitation when the amount of the obligation of the contract in question has been added to the already existing obligations of the authority. This determination by the board of directors shall be conclusive of the question of compliance.

All contracts of the authority for the construction, reconstruction, relocation, maintenance and operation of highways, roads and

bridges, and work incidental or related thereto, and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the highway department, and shall be subject to approval by the governor and by the highway department. All work provided for in any such contract shall be supervised by the highway department. All persons engaging in the supervision or performance of any work involving highways, roads and bridges that may be done by the authority without the award of a contract therefor shall be employees of the highway department.

All contracts of the authority for the construction, reconstruction or relocation of any facilities or structures and all purchases of equipment by the authority shall be made on the basis of competitive bidding in the manner and according to the procedures provided in sections 39-2-1 through 39-2-13 and 41-16-20 through 41-16-32, and any other applicable statutes.

Section 9. Any duties and obligations of the authority which shall be delegated by the board of directors of the authority to any agency or department of the state shall be undertaken and discharged by the public corporation, agency or department to which such duties and obligations shall have been delegated; provided, that such a delegation shall not be effective and shall not release the authority from the duties and obligations proposed to be delegated nor imposed any duties or obligations on the public corporations, agencies and departments to which a delegation shall have been made unless the governor and the director, head or governing body of the public corporation, agency or department to which a delegation shall have been made shall approve such delegation in all respects; and, provided further, that the public corporation, agency or department shall at the time of such delegation be empowered by laws other than this act to perform duties and discharge obligations of the kind delegated and that this section shall not be construed to change the lawfully established nature and functions of public corporations, agencies and departments of the state.

Section 10. At any time when no duties or obligations of the authority shall remain to be discharged, or when all duties and obligations remaining to be discharged shall have been effectively delegated to public corporations, agencies and departments of the state, the authority may be dissolved upon the filing with the secretary of state of an application for dissolution, which shall be subscribed by each of the members of the authority and which shall be sworn to by each such member before an officer authorized to take acknowledgments to deeds. Upon the filing of said application for dissolution, the authority shall cease and any property owned by it at the time of

its dissolution shall pass to the state. The secretary of state shall file and record the application for dissolution in an appropriate book of record in his office, and shall make and issue, under the great seal of the state, a certificate that the authority is dissolved, and shall record the said certificate with the application of dissolution.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are hereby repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-722

H. 659—Reps. Cosby, Edwards, Pegues

AN ACT

Relating to Dallas County; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

Be It Enacted by the Legislature of Alabama:

Section 1. In Dallas County, in addition to all other fees, there shall be taxed as costs the sum of \$5.00 in each civil or quasi-civil action at law, suit in equity, criminal case, quasi-criminal case, proceedings on a forfeited bail bond or proceedings on a forfeited bond given in connection with an appeal from a judgment or conviction in any inferior or municipal court of the county, in the circuit court of Dallas County, or the district court of Dallas County, hereinafter filed in or arising in the circuit court of Dallas County, or the district court of Dallas County, or brought by appeal, certiorari or otherwise to the circuit court of Dallas County, or the district court of Dallas County, which costs shall be collected as other costs in such cases are collected by the clerk, or ex officio clerk, of said courts or the register of the circuit court of Dallas County, as the case may be. Such fees, when collected by the clerks or other collection officers of such court, shall be paid into the General Fund of the county to be used by the County Commission for appropriations by the County Commission to the sheriff for law enforcement purposes; said fees may be used by the County Commission as part of its annual general budget appropriation to the sheriff for operation of the sheriff's department and jail.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval of the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-723

H. 680—Rep. Buskey

AN ACT

To repeal Act No. 263, S. 222, Special Session 1961 (Acts 1961, p. 2280), which Act provides for compensation of election officers in counties having a population of not less than 300,000 nor more than 500,000, according to the latest federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 263, S. 222, Special Session 1961 (Acts 1961, p. 2280), is hereby expressly repealed and shall have no further force or effect of law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-724

H. 879—Reps. Wyatt, Langford

AN ACT

To amend further Section 6 of Act No. 833 of the Legislature of Alabama 1969, as amended, by which the retirement system for employees of Montgomery County was established, so as to provide further for eligibility requirements for retirement benefits under such system.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 833 of the Legislature of Alabama 1969, as amended, is hereby amended further to read as follows:

“Section 6. Benefits

“(1) Service Retirement Allowance

“(a) The normal retirement date of a member shall be the date on which he completes the applicable eligibility requirements as follows:

“(i) In the case of a prior member in Class I, attainment of age sixty; or, attainment of age fifty-five and completion of at least thirty years of creditable service; provided, however, that if such member has completed at least thirty years of creditable service before attaining the age of fifty-five and afterwards resigned from employment with the county but has not withdrawn his or her contributions, he or she shall be eligible for a service retirement allowance upon attainment of age fifty-five;

“(ii) In the case of a prior member in Class II, attainment of age fifty-five and completion of twenty years of creditable service, or attainment of age seventy if earlier;

“(iii) In the case of a new member, attainment of age sixty and completion of twenty years of creditable service or attainment of age seventy if earlier.

“Any member in service who has attained his normal retirement date shall be retired by the Commission on a service retirement allowance upon his written application setting forth at what time, not less than thirty nor more than ninety days next following the execution and filing thereof, he desires to be retired, notwithstanding that during such period of notification he may have separated from service.

“(b) Any member in service who has attained age seventy shall be retired forthwith by the Commission on a service retirement allowance; provided that upon the request of his department head, approved by the Commission, a member who has attained age seventy may be permitted to continue in active service for a period of one year as a result of each such request. More than one such request may be made relative to a person.

“Notwithstanding an extension of a member's service after he has attained age seventy, such member shall be retired by the Commission on a service retirement allowance upon his written application setting forth at what time, not less than thirty nor more than ninety days next following the execution and filing thereof, he desires to be retired.

“(c) The annual service retirement allowance shall be equal to two per centum (2%) of the member's average monthly compensation multiplied by the number of months of his creditable service. The annual service retirement allowance shall not exceed twelve times sixty per centum (60%) of the member's average monthly compensation.

“(2) Early Retirement Allowance

“(a) A member who has not reached his normal retirement date but who has completed fifteen years of creditable service and has attained age fifty-five in the case of a new member or in the case of a prior member of Class I, or age fifty in the case of a prior member in Class II, may be retired from service on an early retirement allowance not less than thirty nor more than ninety days next following receipt by the Commission of written application therefor made by the member.

“(b) The early retirement allowance shall commence immediately and shall be equal to a service retirement allowance computed on the basis of his average monthly compensation and creditable service at the time of early retirement, reduced by one-half of one per centum ($1/2\%$) for each month by which his early retirement date precedes his normal retirement date.

“(3) Disability Retirement Allowance

“(a) Upon the application of a member in service or of the head of the department in which the member is employed, any member who has completed ten years of creditable service may be retired by the Commission on a disability retirement allowance not less than thirty nor more than ninety days next following the execution and filing of such application; provided that the Medical Board, after a medical examination of such member, shall certify that he is mentally or physically incapacitated for the further performance of duty, that such incapacity did not result from an accident in the actual performance of duty entitling him to Workmen's Compensation or a similar benefit under the laws of the State of Alabama, that such incapacity is likely to be permanent, and that such member should be retired. If the member is entitled to sick leave with pay under the laws, rules and regulations governing County employees, the disability retirement allowance shall not commence until the expiration of such sick leave with pay.

“(b) The disability retirement allowance shall be equal to a service retirement allowance computed on the basis of the member's average monthly compensation and creditable service at the time of disability retirement.

“(c) If a member becomes mentally or physically incapacitated for the further performance of duty as the result of an accident occurring in the performance of his duty as a County employee entitling him to Workmen's Compensation or similar benefits payable under the laws of the State of Alabama, he shall be paid his accumulated contributions in a lump sum.

“(4) Vested Retirement Allowance

“(a) A member who has not reached his normal retirement date but whose service is terminated for any reason other than death or retirement after the completion of fifteen years of creditable service shall be entitled to a vested retirement allowance upon application therefor not less than ninety days prior to his normal retirement date, provided that he does not withdraw his accumulated contributions in accordance with Subsection (6)(a) of this Section 6.

“(b) The vested retirement allowance shall be a deferred allowance commencing on the first day of the calendar month coincident with or next following the former member's normal retirement date or on the first day of the calendar month coincident with or next following receipt by the Commission of application therefor made by the former member, whichever is later, and shall be equal to a normal retirement allowance computed under the benefit provisions of the Retirement System in effect on the date of termination of service on the basis of his average monthly compensation and creditable service as of such date.

“(5) Survivor Allowance

“(a) Upon the receipt of proof, satisfactory to the Commission, of the death of a member in service who has attained his normal retirement date or who has completed fifteen years of creditable service, or of a former member entitled to a vested retirement allowance, a survivor allowance shall be paid to the surviving spouse, if any, of the deceased member or former member, as the case may be, until the earlier of the death or remarriage of such surviving spouse, provided that the member's death is not the result of an accident in the actual performance of duty entitling his surviving spouse or children to Workmen's Compensation or a similar benefit under the laws of the State of Alabama. If there is no surviving spouse, or if such spouse dies or remarries before the youngest child of the deceased member or former member has attained age eighteen, the survivor allowance shall be paid to or for the use of the member's child or children under said age, if any, divided in such manner as the Commission in its discretion shall determine, to continue until each such child dies or attains said age. If such member or former member dies prior to his normal retirement date the survivor allowance shall be deferred to commence on said date and shall be payable to his spouse or children, as the case may be, who are eligible for such allowance on said date.

“(b) In the case of a member in service who has attained his normal retirement date, the survivor allowance shall be equal to seventy-five (75%) percentum of the service retirement allowance to which he would have been entitled had he retired on the date of his death. In the case of a member in service who has not attained his

normal retirement date or of a former member the survivor allowance shall be equal to seventy-five (75%) percentum of the vested retirement allowance which would have been payable at normal retirement date had such member or former member survived to said date, on the assumption in the case of a member in service that he terminated service on the date of his death.

“(c) Any member may, by written notice filed with the Commission, elect that in the event of his death under conditions entitling his survivors to an allowance under this Subsection (5) his accumulated contributions shall be payable in the manner provided by Subsection (6), (b), of this section, in lieu of any survivor allowance otherwise payable.

“(6) Return of Contributions

“(a) Should a member cease to be an employee for any reason other than death or retirement under the provisions of this Act, he shall be paid on demand his accumulated contributions without interest.

“(b) Upon the receipt of proof, satisfactory to the Commission, of the death of a member prior to retirement, his accumulated contributions without interest shall be paid to such person, if any, as he shall have nominated by written designation duly acknowledged and filed with the Commission, if such person survives him, otherwise to the estate of the member, provided that no survivor allowance is payable under Subsection (5) of this Section.

“(c) Upon the receipt of proof, satisfactory to the Commission, of the death of a retired member who has not elected the optional benefit provided by Subsection (9) of this Section, the excess, if any, of his accumulated contributions without interest over the sum of the retirement allowance payments received by him shall be paid to such person, if any, as he shall have nominated by written designation duly acknowledged and filed with the Commission, if such person survives him, otherwise to the estate of the member.

“(d) After three years from the date and time any return of contributions is due an employee, no claim, suit or action may be filed or brought in any court of law or equity or otherwise for the return of such sum, provided that this paragraph shall not be applicable in the case of a member who is entitled to a vested retirement allowance pursuant to Subsection (4) of this Section.

“(e) All sums remaining after being barred by Paragraph (d) of this Subsection shall vest in the Retirement System.

“(f) Any employee who has more than five years membership service at the time his accumulated contributions are to be paid under Paragraphs (a), (b) or (c) of this Subsection (6), shall be paid his

accumulated contributions plus an amount equal to three per centum (3%) of his accumulated contributions.

“(7) Re-examination of Beneficiaries Retired on Account of Disability

“(a) Once each year during the first five years following the retirement of a member on a disability retirement allowance, and once in every three year period thereafter, the Commission may, and upon his application shall, require any disability beneficiary who has not yet attained his normal retirement date to undergo a medical examination, by the Medical Board or by a physician or physicians designated by the Medical Board, such examination to be made at the place of residence of such beneficiary or other place mutually agreed upon. Should any disability beneficiary who has not attained his normal retirement date refuse to submit to such medical examination, his retirement allowance may be discontinued by the Commission until his withdrawal of such refusal, and should his refusal continue for one year, all his rights in and to his retirement allowance may be revoked by the Commission.

“(b) Should the Medical Board report and certify to the Commission that a disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average monthly compensation at retirement, and should the Commission concur in such report, then the part of his allowance not provided by his own contribution shall be reduced to an amount which, together with the part of his allowance provided by his own contributions, and the amount earnable by him, shall equal the amount of his average monthly compensation at retirement. Should his earning capacity be later changed, the amount of his allowance may be further modified, provided that it shall not exceed the amount originally granted.

“(8) Restoration of Beneficiaries to Membership

“Should a disability beneficiary be restored to or be in service at a compensation equal to or greater than his average monthly compensation at retirement, or should any other beneficiary be restored to service, his retirement allowance shall cease, any election of the optional benefit under Subsection (9) of this Section shall become void, he shall again become a member of the Retirement System and shall contribute thereafter at the then prevailing rate. An amount equal to the actuarial reserve held for the part of his retirement allowance provided by his contributions shall be credited to him as accumulated contributions. Any creditable service to which he was entitled when he retired shall be restored to him, and upon subsequent retirement his retirement allowance shall be based on his compensation and creditable service before and after the period of prior retirement; provided that if he does not complete three years of credit-

able service after his restoration to service, the part of his retirement allowance upon subsequent retirement payable with respect to creditable service rendered before the period of his previous retirement shall be equal to his previous retirement allowance with all of the provisions of the optional benefit under Subsection (9) of this Section restored, if such benefit was elected, with respect to such part of his retirement allowance.

“(9) Optional Benefit

“(a) Until the first payment on account of his retirement allowance becomes normally due, any member may elect to convert the retirement allowance otherwise payable to him into a modified retirement allowance as described below; provided, however, that should he die within thirty days after the first payment on account of his retirement allowance becomes normally due, his optional election shall not be effective and he shall be considered to be a member in service at the time of his death, and any amount payable under Subsection (5) or Subsection (6) of this Section shall be reduced by any retirement allowance payments received by him prior to his death.

“(b) The optional benefit shall be a retirement allowance payable during the life of the retired member, equal to ninety per centum (90%) of the retirement allowance which would otherwise have been payable to the retired member, with the provision that upon his death an allowance equal to seventy-five per centum (75%) of the allowance which would otherwise have been payable to the retired member shall be paid to his surviving spouse, if any, until the earlier of the death or remarriage of the surviving spouse. If there is no surviving spouse, or if such spouse dies or remarries before the youngest child of the deceased retired member has attained age eighteen, such allowance shall be paid to or for the use of the retired member's child or children under said age, if any, divided in such manner as the Commission at its discretion shall determine, to continue until each such child dies or attains said age.

“(10) Increase in Retirement Allowances to Certain Beneficiaries

“Commencing as of the effective date of this Act, the retirement allowance payable to each member in Class I who retired prior to said date, or to his survivors if he elected the optional benefit, and the survivor allowance payable to each surviving spouse or child of a member in Class I who died prior to said date shall be increased to the amount which would have been payable if the allowance had been determined on the basis of a service retirement allowance computed in accordance with Subsection (1)(c) of this Section 6, but subject to all other provisions of Act No. 833 of 1969.

“(11) In addition to any other benefits payable under subsec-

tions (1), (2), (3) and (4) of this section, the Commission is authorized to pay on behalf of such employee the premiums for such life, health and hospitalization insurance as is paid by the Commission for other county employees. All previous payments heretofore made for such purposes are hereby ratified."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-725

H. 880—Reps. Wyatt, Langford

AN ACT

To reopen the Montgomery County employees' retirement system for prior service credit for certain employees of Montgomery County who did not become members of said system on the last date of effective participation for such employees; to provide that as prerequisites to such credit, members must make certain contributions therefor and must be contributing members of said retirement system in the active service of Montgomery County, the employer for whom such prior service was rendered and to provide that Montgomery County shall pay such employers costs as are necessary with respect to its employees subject to this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any employee of Montgomery County including an employee participating in either the "Pension Plan" established by Act No. 240, H. 627, approved July 29, 1947 (Local Acts 1947, p. 165), as amended, or the "Pension System" established by Act No. 176, S. 272, approved September 28, 1959 (Local Acts 1959, p. 702), as amended, and who did not elect to become a member of the Montgomery County employees' retirement system established by Act No. 833, H. 1100 of the Legislature of Alabama of 1969 (Acts 1969, p. 1522), as amended, on the last effective date of participation in such retirement system for such employee, may hereby become a member of said Montgomery County employees' retirement system and may hereby claim and purchase credit for any prior service as an employee of such county, provided he or she shall pay to the Montgomery County employees' retirement system on or before ninety days from the effective date of this act, a sum equal to the total contributions which he or she would have contributed during such period of prior service based on his annual compensation in each year of prior service claimed at the percentage rate of member contribution prevailing at the time payment is made hereunder, together with interest compounded annually at the rate of 8% annually until the date of repayment.

Section 2. In addition to all other conditions and prerequisites for prior service credit hereunder, any member claiming such prior service credit must and shall be on the date payment is made a full-time and permanent employee of Montgomery County, the employer for whom the prior service was rendered, and furthermore must and shall on such date resign membership in the "Pension Plan" or "Pension System" heretofore referred to in section 1 of this act.

Section 3. Anything in this act to the contrary notwithstanding, the employer cost for the granting of any service credit granted under the provisions of this act shall become the continuing liability of the employer for whom such service was rendered.

Section 4. The county, the Montgomery County employees' retirement system, the Montgomery County employees' pension plan and the Montgomery County employees' pension system shall coordinate their efforts to the extent necessary to effect an orderly transfer of accounts for any employee who may be eligible to elect to become a member of the Montgomery County employees' retirement system under the provisions of this act.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-726

H. 900—Rep. Cobb

AN ACT

To provide for the composition of the Marion County Commission relating to the redivision of the representation districts for Marion County; to employ a county engineer and to provide for a road unit system; and to provide a referendum election on the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Marion County Commission shall be composed of 5 members, one representative to be elected from each of the following four districts and a chairman elected at large. The members of such commission shall be designated commissioners. Marion County is hereby divided into four commissioner districts, to be num-

bered one, two, three and four as follows:

District No. One

District No. Two

District No. Three

District No. Four

Section 2. The Marion County Commission, or any succeeding county governing body performing the functions of the county governing body in said county, shall employ a county engineer, who shall be a thoroughly qualified and competent civil engineer, possessing all of the qualifications as specified for county engineers under the general laws of the State of Alabama; and he shall devote his entire time and attention to the maintenance and construction of the Marion County public roads, highways, bridges and ferries, and shall, during his employment, reside in Marion County, Alabama.

Section 3. Said county engineer shall be appointed by the county commission from a nomination made by the state highway director. If said nomination is not acceptable to said county commission, the state highway director shall be requested to make additional nominations.

Section 4. It shall be the duty of the said engineer (1) to employ, supervise and direct all such assistants as are necessary to properly maintain and construct the public roads, highways, bridges and ferries of Marion County, and he shall have authority to prescribe their duties, and to discharge said employees for cause, or when not needed; (2) to perform such engineering and surveying service as may be required, and to prepare and maintain the necessary maps and records; (3) to maintain the necessary accounting records to reflect the cost of the county highway system; (4) to build, or construct new roads, or change old roads, but only when ordered to do so by proper order of the county commission; (5) it shall be his further duty, insofar as is feasible, to construct and maintain all county roads on the basis of the county as a unit, without regard to any district or beat lines.

Section 5. The said county engineer is hereby designated as the person authorized to make written requisition upon the duly designated purchasing agency, for all articles, materials, supplies, and equipment necessary for the maintenance and construction of roads, bridges and ferries in Marion County.

Section 6. It shall be the duty of the county commission to fix, from time to time, in accordance with prevailing economic conditions, the various scales of wages or salaries to be paid for labor necessary in the maintenance and construction of said roads, highways, bridges and ferries, and said wage or salary scale shall not be exceeded

by said engineer in the employment of labor and assistants.

Section 7. The county commission shall fix the amount of the salary of the said county engineer, payable in equal monthly installments from the Marion County treasury.

Section 8. The county commission shall furnish the county engineer with an office at the courthouse, or elsewhere at the county seat, and all necessary office supplies, and shall furnish him with necessary transportation in connection with his duties under this Act.

Section 9. The county engineer shall be the custodian of all road tools, machinery, supplies and equipment of Marion County, and he shall be accountable for the same, at all times. The county commission shall furnish the necessary storage facilities in which to keep said tools, machinery, supplies and equipment, and the county engineer shall keep on files in this office, at all times, an up-to-date inventory, containing a list of all said tools, machinery, equipment and supplies belonging to Marion County.

Section 10. The authority of said county engineer shall be limited to the expenditure of such funds for the purpose of construction, maintenance or repairs of public roads, bridges and ferries of Marion County as may be set aside and appropriated by the county commission, as hereinafter provided; it shall be the duty of said county commission at some meeting in September of each calendar year, or not later than the first meeting in October following, by order or resolution spread upon the minutes, to fix and determine the amount of funds which will be available for the purpose of building, maintaining and constructing public roads, bridges and ferries of Marion County for the current fiscal year, beginning on October 1, which said amount, other than the salary of said county engineer and his necessary expenses, shall not be exceeded by him in building, maintaining and constructing public roads, bridges and ferries in Marion County during said period; provided however, that said county commission is authorized, from time to time within any such period, to increase the amount so allowed to be expended by said county engineer during said period, when such authorization will not conflict with provisions of the general law under the Budget Act, Section 11-8-3 of the Code of Alabama 1975. Provided further, that if such funds are presently available, and have not heretofore been set aside by the present county commission of Marion County, immediately upon the passage of this Act, it shall be the duty of the county commission herein created to set aside a sufficient portion of said funds for the maintenance of said roads, bridges, and ferries until the annual budget is approved for the incoming year in October.

Section 11. The county engineer shall make written requisition to the chairman of the county commission for all materials, machinery, equipment, and necessary supplies needed for the con-

struction, maintenance, or repairs of public roads, bridges and ferries of Marion County. Said requisitions shall be filed and presented by the chairman to the county commission at its next meeting, for the approval of the county commission. Provided, however, that the chairman shall have full power and authority to make said purchases without first obtaining the approval of the whole county commission if the delay caused by the hereinabove procedure, might, in his judgment, cause an unnecessary and harmful interruption in the operation of the county road system.

Section 12. It shall be the further duty of the county engineer to inspect all materials, machinery, equipment, and supplies, purchased by Marion County Commission for use on public roads, bridges, and ferries, when the same is delivered, and the same shall not be accepted and paid for without its first having been approved by him.

Section 13. It shall be the further duty of each associate member of the county commission to inspect the roads of his district from time to time, and hear the suggestions and complaints of the citizens, and report the same to the county commission with his recommendations; to advise with the county engineer concerning the problems of his district, particularly; and to assist in securing rights-of-ways, and assist in public relations generally.

Section 14. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. The provisions of this Act are supplemental. It shall be construed in *pari materia* with other laws relating to the Marion County Commission; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 16. This Act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Marion County who vote thereon at the referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the same day as the next primary election or special state or county election held after final passage of this Act. Notice of the election shall be given by the judge of probate of Marion County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

“Do you favor the local law providing for a redivision of the commissioner districts to four, the provision for a county engineer,

and for the repair, maintenance and construction of county roads and bridges insofar as is feasible on the basis of the county as a unit without regard to district or beat lines? Yes () No ().”

If a majority of the votes cast at the election are affirmative votes, this Act shall be in full force and effect immediately thereafter. If a majority of the votes cast are negative, the Act shall have no further effect. The judge of probate of Marion County shall certify the results of the election to the Secretary of State and to the State Highway director immediately after the returns have been certified.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-727

H. 904—Rep. Turner

AN ACT

To alter or rearrange the boundary lines of the Town of Creola, Mobile County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama; to provide for assessing for ad valorem taxation the property added to the Town of Creola when certain services are rendered to the property owners and persons residing therein or are made available to them; to describe the services to be rendered and to exempt from taxation property added to the Town of Creola by the extension of its boundaries when such services are not available or rendered.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Creola, Mobile County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Creola and in addition thereto the following described territory, to-wit:

Beginning at a point where the East line of Old Highway 43 intersects the North line of the Southeast Quarter of the Southwest Quarter of Section 36, Township 1 South, Range 1 West, run Westwardly along the North line of the South ½ of said Southwest Quarter of Section 36 to a point on the East line of said Section 36, said point being the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 35, Township 1 South, Range 1 West; continue Westwardly along the North line of the South ½ of said Southeast Quarter of Section 35 to a point on the East line of an Alabama, Tennessee & Northern Railroad right-of-way; thence run Southwestwardly along the East line of said Railroad right-of-way to a point on the South line of said Section 35; continue Southwestwardly along the East line of said Railroad right-of-way to a point on the South line of Section 2, Township 2 South, Range 1 West; continue Southwestwardly along the East line of said Railroad right-

of-way to a point on the South line of Section 11, Township 2 South, Range 1 West; continue Southwestwardly along the East line of said Railroad right-of-way to a point on the North right-of-way line of Interstate Highway 65; said point being in the Southeast Quarter of Section 15, Township 2 South, Range 1 West; thence run Northeastwardly along said North right-of-way line to a point on the West line of Section 14, Township 2 South, Range 1 West; continue Northeastwardly along said North right-of-way line to a point on the South line of Section 11, Township 2 South, Range 1 West; continue Northeastwardly along said North right-of-way to a point on the West right-of-way line of U.S. Highway No. 43; continue Northeastwardly along said West right-of-way line to a point on the North margin of Gunnison Creek; thence run Southeastwardly along said North margin to a point on the East right-of-way line of a Southern Railroad right-of-way; thence run Southwestwardly along said East right-of-way line to a point on the North line of Section 14, Township 2 South, Range 1 West; continue Southwestwardly along said East right-of-way line to a point on the North right-of-way line of Interstate Highway 65; thence run Northeastwardly along said North right-of-way line to a point on the South line of Section 11, Township 2 South, Range 1 West; continue Northeastwardly along said North right-of-way line to a point on the West line of Section 12, Township 2 South, Range 1 West; continue Northeastwardly along said North right-of-way line to a point on the Northeast margin of Gunnison Creek; thence run Northeastwardly and Northwestwardly along the said Northeast margin of said Gunnison Creek to the intersection of the East margin of a Southern Railroad right-of-way; thence run Northeastwardly along the said East margin of said Southern Railroad right-of-way to the intersection of the North line of the Southeast Quarter of Section 11, Township 2 South, Range 1 West; thence run Eastwardly along the said North line of said Southeast Quarter to the Northwest corner of the Southwest Quarter of Section 12, Township 2 South, Range 1 West; thence run Eastwardly along the North line of said Southwest Quarter to the Northeast corner of the West half of the Southwest Quarter of said Section 12; thence run Northwardly along the West line of the East half of the Northwest Quarter of said Section 12 to a point on the North right-of-way line of Creola-Axis Loop Road; thence run Northwestwardly along said North right-of-way line to a point on the East line of said Southern Railroad right-of-way; thence run Northeastwardly along said East right-of-way line to a point on the North line of the South $\frac{1}{2}$ of the Northwest Quarter of the Northwest Quarter of Section 12, Township 2 South, Range 1 West; thence run Westwardly to the Northeast corner of the South $\frac{1}{2}$ of the Northeast Quarter of the Northeast Quarter of Section 11, Township 2 South, Range 1 West; continue Westwardly along the North line of said South $\frac{1}{2}$ of the Northeast Quarter of the Northeast Quarter of Section 11 to a point on the West line of the

East $\frac{1}{2}$ of said Northeast $\frac{1}{4}$ Section 11; thence run Southwardly along said West line of the East $\frac{1}{2}$ of the Northeast Quarter of Section 11 to a point on the North line of the South $\frac{1}{2}$ of said Section 11; thence run Westwardly along said North line to a point on the West line of the Southeast Quarter of the Northwest Quarter of said Section 11; thence run Northwardly along said West line to a point on the North line of said Southeast Quarter of the Northwest Quarter; thence run Eastwardly along said North line to a point on the West line of the Northwest Quarter of the Northeast Quarter of said Section 11; thence run Northwardly along said West line to a point on the North line of said Section 11; thence run Eastwardly along said North line to the Southwest corner of Section 1, Township 2 South, Range 1 West; continue Eastwardly along the South line of said Section 1 to a point on the West line of the Southeast Quarter of said Section 1; thence run Northwardly along said West line of the Southeast Quarter of Section 1 to the center of said Section 1; thence run Westwardly along the South line of the Northwest Quarter of said Section 1 to the East line of the West half of the Southwest Quarter of Section 1; thence run Southwardly along said East line to the South line of the Northwest Quarter of the Southwest Quarter of said Section 1; thence run Westwardly along the said South line of said Northwest Quarter of Southwest Quarter to the West line of said Section 1; thence run Northwardly along the said West line of said Section 1 to the South line of the Northwest Quarter of the Northwest Quarter of said Section 1; thence run Eastwardly along South line of said Northwest Quarter of Northwest Quarter to the East right of way of Old Highway 43; thence run Northeastwardly along the said East right of way of said Old Highway 43 to the North line of the Southeast Quarter of the Southwest Quarter of Section 36, Township 1 South, Range 1 West and the point of beginning.

Notwithstanding any provision of this act or any legal description within this section, Sections 14 and 15 in their entirety are specifically excluded from the operation of this act.

Section 2. Any area which is annexed, as set forth in section one (1) above, shall not be subject to assessment for ad valorem taxation by the Town of Creola until the said Town of Creola shall make available, furnish or cause to be furnished through any board whose members are appointed by the Town of Creola, to said area and the residents thereof the following municipal services: police protection, fire protection, street lighting, water service, sanitary sewer service, and street maintenance.

Section 3. Should a court of competent jurisdiction hold any part of this Act to be contrary to the Constitution or laws of this State or the Constitution or laws of the United States, all other provisions of this Act shall continue in full force and effect.

Section 4. Should a court of competent jurisdiction hold any part of this annexation to be contrary to the Constitution or laws of this State or the Constitution or laws of the United States, the annexation of all remaining areas shall not be void, and those areas shall continue to be included within the corporate boundaries of the Town of Creola.

Section 5. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-728

H. 955—Rep. Smith (J)

AN ACT

To amend Section 2 of Act No. 79-505 of the 1979 Regular Session of the Alabama Legislature which provides for an increase in compensation of certain county officials, in regard to the effective date of such increases.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 79-505 of the 1979 Regular Session of the Alabama Legislature is hereby amended to read as follows:

“Section 2. Effective at the beginning of the next term of office or on the first Monday after the second Tuesday in January, 1981, whichever first occurs, those elected officials designated in Section 1 shall receive the following salaries per annum:

Tax Collector	\$24,500
Tax Assessor	24,500
Sheriff	26,500
Probate Judge	28,500
Coroner	4,800
Board of Education	
Members	1,800
Chairman, County	
Commission	28,500
County Commissioners	22,500”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

AN ACT

To amend the title and sections 1 and 2 of Act No. 80-648, H. 931, 1980 Regular Session (Acts 1980, p. 1235), which authorizes and makes provisions for the incorporation in any Class 1 municipality as so designated by section 11-40-12 of the Code of Alabama 1975 (being a city with a population of 300,000 or more inhabitants as certified by the 1970 federal decennial census) of Commercial Development Authorities for the purpose of promoting trade and commerce, so as also to provide for the incorporation of such authorities in any Class 2 municipality as so designated by section 11-40-12 of the Code of Alabama 1975 (being a city with a population of not less than 175,000 and not more than 299,999 inhabitants as certified by the 1970 federal decennial census) and/or any Class 3 municipality (being a city with a population of not less than 100,000 and not more than 174,999 inhabitants).

Be It Enacted by the Legislature of Alabama:

Section 1. The Title of Act No. 80-648, H. 931, 1980 Regular Session (Acts 1980, p. 1235) is hereby amended to read as follows:

“An Act To authorize and make provision for the incorporation in any Class 1 municipality as so designated by section 11-40-12 of the Code of Alabama 1975 (being a city with a population of 300,000 or more inhabitants as certified by the 1970 federal decennial census and in any Class 2 municipality as so designated by section 11-40-12 of the Code of Alabama 1975 (being a city with a population of not less than 175,000 and not more than 799,999 inhabitants as certified by the 1970 federal decennial census) and in any Class 3 municipality as so designated by Section 11-40-12 of the Code of Alabama 1975 (being a city with a population of not less than 100,000 and not more than 174,999 inhabitants) of Commerical Development Authorities for the purpose of promoting trade and commerce by inducing commercial enterprises to locate new facilities in this state and expand existing facilities in this state; to provide for the election and compensation of directors of any such Authorities; to provide for the powers, authorities and duties of any such Authority, its board of directors, and its officers; to authorize any such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith, whether or not now existing, suitable for use by any commercial enterprise engaged in the manufacturing, processing, assembling, storing, warehousing, distributing or selling of any products of agriculture, mining or industry, or by various enterprises for the purpose of research, or by any commercial enterprise engaged in selling, servicing, providing or handling any policies of insurance or any financial services, or suitable for use as a ship canal, port or port facility, off-street parking facility, dock or dock facility, harbor facility, railroad, monorail or tramway, railway terminal or railway beltline and switch, office building, plane-

tarium or museum, pollution control facility, hotel, including parking facilities, facilities for meetings, and facilities suitable for rental to persons engaged in any business, trade, profession, occupation or activity, or as a shopping center or similar facility suitable for use by two or more commercial enterprises engaged in any business, trade, profession, occupation or activity, provided that such land, buildings or other improvements thereon and all real and personal properties necessary in connection therewith shall not include facilities (other than office buildings or other buildings suitable for use as a corporate headquarters) designed for the sale or distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities, and provided, further, that such property shall be located wholly within the corporate limits of such municipality and (i) wholly within areas for which either a redevelopment plan has been prepared and approved pursuant to the provisions of section 24-2-4 of the Code of Alabama of 1975 or an urban renewal plan has been prepared and approved pursuant to the provisions of section 24-3-3 of the Code of Alabama of 1975 or (ii) part of such property shall be property with respect to which an urban development action grant has been made under section 119 of the Housing and Community Development Act of 1974; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to provide for the employment by any such Authority of such officers, employees and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such

Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; and to provide for the continued existence of any such Authority notwithstanding any reclassification of municipalities by the Legislature."

Section 2. Section 1 of Act No. 80-648, H. 931, 1980 Regular Session (Acts 1980, p. 1235) is hereby amended to read as follows:

"Section 1. Legislative Intent. It is the intent of the legislature by the passage of this act to authorize the incorporation in municipalities designated by section 11-40-12 of the Code of Alabama 1975 as a Class 1 municipality (being a city with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census) and as a Class 2 municipality (being a city with a population of not less than 175,000 and not more than 299,999 inhabitants as certified by the 1970 federal decennial census) and as a Class 3 municipality (being a city with a population of not less than 100,000 and not more than 174,999 inhabitants) of Commerical Development Authorities to acquire, own and lease Projects for the purpose of promoting trade and commerce by inducing commerical enterprises to locate new facilities in Class 1 and in Class 2 and in Class 3 municipalities and expand existing facilities in Class 1, Class 2 and Class 3 municipalities. It is intended that each Project be self-liquidating. It is not intended hereby to authorize any Authority itself to operate any commercial enterprise. This Act shall be liberally construed in conformity with the said intent."

Section 3. Section 2 of Act No. 80-648, H. 931, 1980 Regular

Session (Acts 1980, p. 1235) is hereby amended to read as follows:

“Section 2. Definitions. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

“‘Applicant’ means a natural person who files a written application with the Governing Body of any Municipality in accordance with the provisions of section 4 hereof.

“‘Authority’ means a public corporation organized pursuant to the provisions of this Act.

“‘Authorizing Municipality’ means any Municipality the Governing Body of which shall have adopted an Authorizing Resolution.

“‘Authorizing Resolution’ means a resolution adopted by the Governing Body of any Municipality in accordance with the provisions of section 4 hereof, that authorizes the incorporation of an Authority.

“‘Board’ means the board of directors of an Authority.

“‘Bonds’ means and shall include bonds, notes and certificates representing an obligation to pay money.

“‘County’ means any county in the State.

“‘Director’ means a member of the Board of an Authority.

“‘Governing Body’ means with respect to a Municipality, its city or town council, board of commissioners, or other like governing body.

“‘Incorporators’ means the persons forming a public corporation organized pursuant to the provisions of this Act.

“‘Municipality’ means an incorporated city of the State which is designated by section 11-40-12 of the Code of Alabama 1975 as a Class 1 municipality (being a city with a population of 300,000 or more as certified by the 1970 federal decennial census) and as a Class 2 municipality (being a city with a population of not less than 175,000 and not more than 299,999 inhabitants as certified by the 1970 federal decennial census) and as a Class 3 municipality (being a city with a population of not less than 100,000 and not more than 174,999 inhabitants).

“‘Person’ unless limited to a natural person by the context in which it is used, includes a public or private corporation, a Municipality, a County, or an agency, department or instrumentality of the State, or of a County or Municipality.

“‘Principal Office’ means the place at which the certificate of incorporation and amendments thereto, the bylaws and the minutes

of the proceedings of the Board of an Authority are kept.

“‘Pollution’ means (a) the placing (whether by emission, discharge, leakage or other means) of any noxious or deleterious noise or substance into any air or water of, in or adjacent to the State of Alabama; (b) the contaminating of such air and water; or (c) the affecting of any such air or water so as to render or be likely to render such air or water (or the use of either thereof for domestic, industrial, agricultural or recreational purposes) hazardous, inimical or harmful to the health, safety or welfare of human beings, animals, birds, aquatic creatures or any of them or to the existence or growth of vegetation.

“‘Pollution Control Facility’ means any land, building, structure, machinery or equipment having to do with or designed for or the end purpose of which is the control, reduction, abatement or prevention of air, noise, water or general environmental pollution, including, but not limited to, any air pollution control facility, noise abatement or reduction facility, water management facility, water purification facility, waste water collecting system, waste water treatment works or solid waste disposal facility.

“‘Project’ means any of the following:

“(a) any land and any building or other improvement thereon and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use by the following or by any combination of two or more thereof:

“(1) any commercial enterprise engaged in the manufacturing, processing, assembling, storing, warehousing, distributing or selling of any products of agriculture, mining or industry;

“(2) any enterprise for the purpose of research in connection with:

“(i) any of the foregoing;

“(ii) the development of new products or new processes;

“(iii) the improvement of existing products or known processes;
or,

“(iv) the development of facilities for the exploration of outer space or promotion of the national defense;

“(3) any commercial enterprise engaged in selling, servicing, providing or handling any policies of insurance or any financial services;

“(b) any land and any building or other improvement thereon and all real and personal property deemed necessary in connection

therewith, whether or not now in existence, which shall be suitable for use as all or any part of the following:

“(1) a ship canal, port or port facility, off-street parking facility, dock or dock facility, harbor facility, railroad, monorail or tramway, railway terminal or railway belt line and switch;

“(2) an office building or buildings;

“(3) a planetarium or museum;

“(4) a Pollution Control Facility;

“(5) a hotel, including parking facilities, facilities for meetings, and facilities suitable for rental to persons engaged in any business, trade, profession, occupation or activity; and

“(6) a shopping center or similar facility suitable for use by two or more commercial enterprises engaged in any business, trade, profession, occupation or activity; provided, that a ‘project’ does not include facilities (other than office buildings or other buildings suitable for use as corporate headquarters) designed for the sale or distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities.

“‘State’ means the State of Alabama.”

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-730

H. 1047— Reps. Ray, Grimsley, Sasser,
Whatley

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Clio, Barbour County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Clio, Barbour County, Alabama, are hereby altered, rearranged, and extended so as to incorporate therein all tracts, lots, and parcels of land lying within a square formed by parallel lines one and one-half miles north and one and one-half miles south of the center of the town and parallel lines one and one-half miles east and one

and one-half miles west of the center of the town.

Section 2. The boundaries and corporate limits of the Town of Clio, Barbour County, Alabama, are hereby altered and rearranged so as to annex and include the following additional described territory lying in Barbour County, Alabama, to-wit:

TOWN OF CLIO
BARBOUR COUNTY
HIGHWAY 15-SOUTH CITY
LIMIT EXTENSION

Parcel One:

At the intersection of the proposed City Limits of Clio, Alabama, as described in Section 1 of this Act, and a point 660 feet westerly of the centerline of Barbour County Highway 15 measured along proposed City Limits line as the point of beginning run southerly along a line parallel to the centerline of said Highway to the intersection of the south line of Section 11, T8N, Range 24E in Barbour County, Alabama; thence east along said Section line to a point 660 feet east of the centerline of said Highway; thence, northerly and parallel to the centerline of said Highway to the proposed City Limits line of Clio, as described in Section 1 of this Act, Barbour County, Alabama; thence West along said line to the point of beginning.

ALSO: Commencing at a point on Parcel one described above which is on the South line of Section 11, Township 8, Range 24 East, Barbour County, Alabama, said point being the centerline of Barbour County Highway #15, running thence southerly along the said centerline of said road 150 feet, thence East parallel to the south line of Section 11, a distance of 2740 feet, thence north to the south line of Section 11, thence west 1980 feet, more or less, along the south line of Section 11 to Parcel one described above, thence west 660 feet to the point of beginning, being the centerline of Highway #15.

TOWN OF CLIO
HIGHWAY 10 WEST-CITY
LIMIT EXTENSION

Commencing at a point which is 660 feet south of the centerline of Alabama Highway 10 and on a line which is running north and south and one and one-half miles west of the center of the town of Clio (joining the property described in Section 1 of this Act) as the point of beginning run Westerly along a line parallel to and at a perpendicular constant distance of 660 feet Southward of said centerline a distance of one (1) mile, more or less, to the West line of Section 33, Township 9 North, Range 24 East; thence North along said line from the centerline of said Highway measured at a right angle to said centerline; thence, run Easterly along a line parallel to and at perpendicular constant distance of 660 feet Northward of said cen-

terline a distance of 1930 feet, more or less, to a point which is 330 feet West of the centerline of an unpaved road; thence, run Northerly along a line parallel to and at a constant distance of 330 feet Westerly of said centerline of an unpaved road a distance of 1320 feet; thence, Easterly along a line parallel to the centerline of Alabama Highway 10 a distance of 900 feet, more or less, to a point which is 330 feet East of the centerline of Barbour County Highway No. 3, measured at right angles to said County Highway; thence, Southeasterly along a line parallel to and at a constant distance of 330 feet from the centerline of said County Highway a distance of 1800 feet more or less, to a point which is 660 feet Northerly from the centerline of Alabama Highway No. 10; thence run easterly along a line parallel to and at a constant distance of 660 feet Northerly of the centerline of said Alabama Highway No. 10 to the intersection of the West line of the property described in Section 1 of this Act; thence South along said line a distance of 1500 feet, more or less, to the point of beginning.

Less and except: All property within the above described property owned by Aaron McCurdy and P. J. Belcher and/or their heirs and assigns.

ALSO; Commencing at a point which is 660 feet north of the centerline of Alabama Highway #10 and 660 feet west of the center of the unpaved county road in the Northeast Quarter of Section 33, and the South Half of the Southeast Quarter of Section 28, Township 9 North, Range 24 East, running thence northerly parallel to said unpaved road 1850 feet, thence east 1320 feet to a point 660 feet east of said road, thence southerly parallel to said road to a point which is 660 feet north of the centerline of Alabama Highway #10.

TOWN OF CLIO HIGHWAY 10 EAST-CITY LIMIT EXTENSION

At the intersection of the proposed City Limits of Clio, Alabama, (as described in Section 1 of this Act), and a point 660 feet northward of the centerline of Alabama Highway 10 measured perpendicular to said Highway and being 250 feet East of the West line of Section 6, Township 8 North and Range 24 East and being the point of beginning run easterly along a line parallel to the centerline of said Highway to the East line of Section 6, Township 8 North, Range 24 East; thence South along said East line to a point 660 feet South of the centerline of said Highway measured at right angles to the centerline; thence run Westerly along a line parallel to the centerline of said Highway to a point which is 250 feet East of the West line of Section 6 and being the proposed City Limits; thence North along a line parallel to and 250 feet East of the West line of Section 6 to the point of beginning.

TOWN OF CLIO
HIGHWAY 51 NORTH
CITY LIMITS EXTENSION

From the intersection of the proposed City Limits of Clio, Alabama (as described in Section 1 of this Act) and a point 660 feet Westerly of the centerline of Alabama Highway Number 51 measured perpendicular to said Highway centerline as the point of beginning run Northerly along a line parallel to the centerline of said Highway to the intersection of North line of Section 26, Township 9 North, Range 24 East in Barbour County, Alabama; thence East along said North line to a point 660 feet East of the centerline of said Highway; thence Southerly and parallel to the centerline of said Highway to the proposed City Limits line of Clio, Barbour County, Alabama; thence West along said city limits line to the point of beginning. All of the above described property lies in Barbour County, Alabama.

Section 3. The outside boundaries of the territory described in Sections 1 and 2 of this Act and any previous extension thereof, and all the territory included and embraced with said boundaries and within the boundaries of the existing town limits of the Town of Clio shall hereafter be and constitute the Town of Clio.

Section 4. All laws and parts of laws, both general and special and local, in conflict with this act shall be, and the same are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-731

H. 1048— Reps. Ray, Grimsley, Sasser,
Whatley

AN ACT

To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Barbour County.

Be It Enacted by the Legislature of Alabama:

Section 1. On and after the date this act becomes applicable to Barbour County, a special recording fee of \$1.00 shall be paid to the county, and collected by its Judge of Probate, with respect to each real property instrument and each personal property instrument that may be filed for record in the office of said Judge of Probate and for

the recording of other instruments and documents in the probate office in the discretion of the governing body of the county, and, on and after such date, no such instrument shall be received for record in the office of said Judge of Probate unless the said special recording fee of \$1.00 is paid thereon. Said special recording fee shall be in addition to all other fees, taxes and other charges required by law to be paid upon the filing for record of any real property instrument or personal property instrument, and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county. All special recording fees so collected shall be deposited into the county treasury to the credit of the probate office to be expended by the Judge of Probate at his discretion for the improvement of the equipment and operations in the records room and for the salaries of any records personnel.

Section 2. At the end of the first fiscal year after the enactment of this the chairman of the county commission, and the Judge of Probate shall review the expenditure of such special recording fees and if a surplus exists such amount shall be deposited into the county general fund.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-732

H. 1049— Reps. Ray, Grimsley, Sasser,
Whatley

AN ACT

To relate to Barbour County; to provide for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. After September 30, 1985, there shall be a county revenue commissioner in Barbour County. A Commissioner shall be elected at the general election in 1984, and at the general election every six years thereafter, who shall serve for a term of six years from the thirtieth day of September next after his election, and until his

successor is elected and has qualified.

Section 2. The County revenue commissioner shall do and perform all acts, duties, and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for taxation, the collection of taxes, the keeping of records and the making of reports concerning assessments for and the collection of taxes.

Section 3. Subject to the approval of the court of county commission or other like county governing body the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks, and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

Section 4. Before entering upon the duties of his office the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the court of county commissioners or like governing body of the county, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the court of county commissioners or other like governing body of the county, and shall be a preferred claim against the county.

Section 5. The court of county commissioners or other like governing body of the county shall provide the necessary offices for the county revenue commissioner in the courthouse, and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowance which the tax assessor, the tax collector of the county are now or hereafter by law authorized or directed to charge or collect for the performance of any duty hereby imposed on the county revenue commissioner. As compensation for the performance of the duties of his office the county revenue commissioner shall receive an annual salary of \$25,000, payable in equal monthly installments out of the general fund of the county.

Section 7. The offices of tax assessor and tax collector of Barbour County are hereby abolished effective the first day of October 1985.

Section 8. It is the purpose of this Act to promote the public

convenience in Barbour County by consolidating the offices of tax assessor and tax collector into one office.

Section 9. The tax assessor of Barbour County is authorized to employ two clerks, and the tax collector of Barbour County is authorized to employ two clerks to be paid from the County General Fund, subject to the approval of Barbour County Commission. The Barbour County Commission is authorized to employ additional clerical employees to work in the office of the tax assessor or tax collector as the Commission may deem necessary and any such employees shall be paid out of the general Fund of the County. The salary of each position hereby authorized shall be set by the Barbour County Commission.

Section 10. All laws or parts of laws which conflict with this Act are repealed.

Section 11. This Act shall become effective on the first day after the ratification of an amendment to the Constitution of Alabama, 1901, authorizing the Legislature to fix or alter the fees, commissions, allowances and salaries of county officials or otherwise regulate the offices of county officials of Barbour County; provided that a majority of the qualified electors of Barbour County, voting in such constitutional amendment election, approved the adoption of the amendment. If the vote in Barbour County on such amendment is not favorable thereto, then this Act shall have no force or effect.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-733

H. 1050—Reps. Ray, Grimsley, Sasser, Whatley

AN ACT

To authorize the Barbour County Commission to provide clerical employees to work in the office of the Tax Assessor or Tax Collector.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Barbour County is authorized to employ additional clerical employees to work in the office of the Tax Assessor or Tax Collector as the Commission may deem necessary and any such employees shall be paid out of the General Fund of the County. The salary of each position hereby authorized shall be set by the Barbour County Commission.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise be-

coming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-734

H. 1051— Reps. Sasser, Ray, Whatley,
Grimsley

AN ACT

Relating to Barbour County; to regulate further the compensation of the board of registrars of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The compensation of each member of the board of registrars of Barbour County, excluding the usual compensation paid by the State, may be up to Twenty and No/100 Dollars (\$20.00), for each day's attendance on sessions of the board, as the county commission or like governing body of the county may prescribe. The compensation hereby authorized shall be set by the county commission or like governing body of the county, and paid from the general funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed, and Act No. 277, approved August 27, 1963, as recorded in Volume 2, page 723, Acts 1963, is repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-735

H. 1052—Reps. Ward, Whatley, Turnham

AN ACT

Relating to Lee County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil actions; and providing for the distribution of the revenue thereby generated.

Be It Enacted by the Legislature of Alabama:

Section 1. In Lee County, in addition to all other fees or costs levied, there shall be taxed as costs the sum of \$5.00 for the service of any papers or documents by the sheriff or any deputy sheriff arising

out of any civil or quasi-civil proceeding in any court in Lee County, whether such proceeding is filed in or arising in any of the said courts, or on appeal, certiorari or otherwise to the district court or the circuit court; and such sum shall be collected in each court in which any service of any papers or documents is made by the sheriff. Said costs shall be collected in the same manner as other costs in such cases in the respective courts.

Section 2. All funds generated by the provisions of this Act shall be paid into the general fund of Lee County.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act are supplemental and shall be construed in pari materia with other laws regulating court costs; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 5. This Act shall be effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-736

H. 1053—Reps. Ward, Whatley, Turnham

AN ACT

Relating to Lee County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the Lee County general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In Lee County, in addition to all other fees or costs levied, there shall be taxed as costs the sum of \$15.00 for the service of any papers or documents by the sheriff or any deputy sheriff arising out of any civil or criminal action instituted outside the State of Alabama, whether at law or equity. Said costs shall be collected in the same manner as other court costs in actions instituted or arising outside the State of Alabama.

Section 2. All funds generated by the provisions of this Act shall be paid into the general fund of Lee County.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration

shall not affect the part which remains.

Section 4. The provisions of this Act are supplemental and shall be construed in *pari materia* with other laws regulating court costs; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-737

H. 1054—Rep. Whatley

AN ACT

Relating to Lee County; to authorize the county commission to levy and collect certain taxes and fees, and to provide for the disposition of any proceeds from such taxes and fees.

Be It Enacted by the Legislature of Alabama:

Section 1. The Lee County Commission is hereby authorized and empowered to levy, at their discretion, and collect or provide for the collection of additional taxes and fees outside the city limits of Auburn and Opelika as follows:

- (a) A cigarette tax.
- (b) A beer tax.
- (c) A soft drink tax.

(d) A solid waste disposal fee or a garbage fee on residents of the county who do not contract for private garbage disposal. Such fee shall be collected by use of the property tax books. Any owner of rental property shall pay the fee on any property he owns. Mobile home owners shall pay said fee at the time they buy their tags or decals.

Section 2. The county commission is also authorized and empowered to adjust filing fees and license fees in the county.

Section 3. The revenue from the taxes and the increase in fees herein authorized shall be deposited into the county general fund to be used in the manner prescribed by the county commission.

Section 4. Before imposing any tax or fee provided for in Sections 1 and 2 of this act, the county commission shall publish a copy of the proposed tax or fee in the Opelika-Auburn News, the Auburn Bulletin and The Columbus Ledger-Enquirer at least 30 days prior to its enactment. The county commission is further authorized to

conduct public hearings and conduct advisory referendum elections on any profound tax or fee provided for in Sections 1 and 2 of this act.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-738

H. 1061—Rep. Shavers

AN ACT

To amend Section 1 of Act No. 80-538, H. 395, of the 1980 Regular Session of the Legislature (Acts 1980, p. 836), relating to the salary of the chairman of the Jackson County Commission so as to provide further for the salary of said chairman.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 80-538, H. 395, of the 1980 Regular Session of the Legislature (Acts 1980, p. 836), is hereby amended to read as follows:

“Section 1. Beginning with the next term of office, the chairman of the Jackson County Commission shall receive a total annual salary of \$22,000. Such amount shall be paid in equal biweekly installments from the general fund in the county treasury.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-739

H. 1088—Rep. Owens

AN ACT

Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this act including fines for violations; repealing certain conflicting laws; and providing a retroactive effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby levied and imposed an additional privilege license tax in the amount of three cents (3¢) on each twelve (12) fluid ounces or fractional part thereof of malt or brewed beverages (including beer, lager, ale, porter, or similar fermented liquor containing one-half of one percent or more of alcohol by volume) sold, used, consumed, stored, or withdrawn from storage in Tuscaloosa County; provided, that where the amount of the tax levied under the provisions of this act shall have been paid by any seller, distributor, dealer, storer or user, and evidenced by the appropriate stamps as provided for below, such payment shall be sufficient, the intent being that the tax levied by this act shall be paid but once. The privilege or license tax provided for herein shall be in addition to all other taxes and licenses now or hereafter authorized or imposed by law.

Section 2. The privilege or license tax imposed by this act shall be collected by or under the supervision of the probate judge of Tuscaloosa County in the same manner and under the same conditions as provided for any tax levied under Act 556, Regular Session 1953 (Acts of Alabama 1953, p. 784), and the proceeds (less the costs of collection and administration as provided in said Act 556) shall be distributed as follows:

(a) Thirty-six percent (36%) to the City of Tuscaloosa to be used exclusively for salary increases over and above salary and benefits paid to employees of the city. Sixty percent (60%) of the thirty-six percent (36%) of those revenues derived by the City of Tuscaloosa from this act shall be used to provide an equal bonus payment to the Tuscaloosa Law Enforcement officers who are Civil Service employees and who have been certified by the Peace Officers' Standards and Training Commission of the State of Alabama as peace officers and equally to the City of Tuscaloosa firemen who are Civil Service employees. Forty percent (40%) of those revenues derived by the City of Tuscaloosa under the provisions of this act shall be divided equally to all other full-time employees of the City of Tuscaloosa. These salary increases shall be paid in the form of an annual bonus payable during the first pay period one year after the passage of this act. Any future growth in the revenues derived by the City of Tuscaloosa or any interest that may be earned by these funds as a result of this act shall be distributed to the City of Tuscaloosa employees in the manner mandated by this act.

(b) Ten percent (10%) to the City of Northport to be deposited in the city general fund to be used exclusively for bonus payments over and above present salaries and benefits in the following manner: Sixty percent (60%) of the ten percent (10%) shall be used to grant bonus payments to the public safety employees over and above their present salaries. Forty percent (40%) of the ten percent (10%) shall

be used exclusively for bonus payments of other city employees over and above their present salaries.

(c) Two percent (2%) to the Town of Vance, to be deposited in the town's general fund.

(d) Two percent (2%) to the Town of Brookwood, to be deposited in the town's general fund.

(e) Forty-two percent (42%) to Tuscaloosa County to be deposited in the county general fund to be used to fund salaries of employees in the sheriff's department, such salaries and uniform equipment to be comparable to the salaries and uniform equipment of state troopers as provided by law, and any remaining funds to be used for salaries of county employees.

(f) Eight percent (8%) to the Tuscaloosa County Parks and Recreation Authority for capital outlay, park renovation, and park improvement. These funds may not be used to pay salaries or general operating costs.

Section 3. The probate judge of Tuscaloosa County may provide rules and regulations and administrative machinery for the enforcement and collection of the privilege license tax provided by this act, and may also provide reasonable compensation to sellers and distributors of malt or brewed beverages for the expenses of compliance with such rules and regulations. The probate judge may employ such personnel as may be needed to collect and enforce the tax, and shall fix their compensation and tenure. Each city receiving any funds under this act shall provide aid and assistance in enforcing the tax herein authorized within its territory.

Section 4. Any person, firm, or corporation who fails to pay the tax herein levied within the time prescribed by this act shall pay, in addition to the tax, a penalty of ten percent (10%) of the amount of tax, together with interest thereon at the rate of one-half of one percent per month or fraction thereof, from the date at which the tax herein levied became payable, such penalty and interest to be assessed and collected as a part of the tax.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed. Act 80-187, H. 690, 1980 Regular Session (Acts of 1980, p. 263), is hereby specifically repealed.

Section 7. The provisions of this act shall be retroactive to June 1, 1980.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-740

H. 1063—Rep. Sandusky

AN ACT

Relating to Mobile County, to provide that the Board of Registrars of Mobile County shall not register any person as a qualified elector within 15-days prior to any election.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Registrars of Mobile County, or their duly authorized deputies, shall not register any person as a qualified elector within 15-days prior to any election; provided, that the board shall maintain an open office during business days in such 15-day period and on election day during the hours of voting.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-741

H. 1092—Rep. Johnson (Roy)

AN ACT

Relating to Tuscaloosa County; amending Act No. 80-536, H. 73, 1980 Regular Session (Acts 1980, p. 835), which provides overtime compensation for certain law enforcement officers, so as to provide further for said officers and to provide for its retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 80-536, H. 73, 1980 Regular Session (Acts 1980, p. 835), is hereby amended to read as follows:

“Section 1. Any law enforcement officer in the service of Tuscaloosa County or any city located therein or who is employed under a L.E.A.A. or L.E.P.A. grant, who is assigned to duty for more than eight hours during any one day or for more than forty hours during any calendar week, shall be paid time and one-half for such excess hours worked; or he shall be given time and one-half compensatory leave. In all such cases, it shall be at the sole option of the law enforcement officer whether he shall receive overtime pay or compensatory leave.”

Section 2. The provisions of this act shall be retroactive to May 19, 1980.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-742

H. 1098—Reps. Ray, Grimsley, Sasser

AN ACT

Relating to Barbour County; providing further for the election of the members of the county board of education; prescribing certain residential qualifications for said members and, providing for supplemental effect, and providing for its effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. The several members of the Barbour County board of education shall hereafter be elected by only those qualified electors in the county who are residing outside of the city limits of Eufaula, Alabama.

Section 2. Any candidate for a seat on the board of education in Barbour County must reside outside of the city limits of Eufaula, Alabama, but within Barbour County.

Section 3. Nothing in this Act shall affect the unexpired term of any present member of the Barbour County Board of Education.

Section 4. The provisions of this Act are supplemental. It shall be construed in *pari materia* with all other laws relating to the Barbour County board of education. However, all laws or parts of laws in conflict with this Act are hereby repealed.

Section 5. This Act shall become effective on January 1, 1982.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-743

H. 1115—Rep. McCorquodale

AN ACT

Relating to Clarke County; to provide further for the election of the members of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. At the next election of county commissioners of Clarke County, the candidates for positions 1 and 3 on the commission shall run for, and serve, a term of office that shall be two years longer than the term of office of the commissioners for positions 2 and 4.

After this special term of office, all commissioners shall be elected to 4-year terms of office, it being the intent of this legislation to provide for staggered terms of office for county commissioners with two commissioners being selected each two years. All courts are requested to give effect to this legislative intent.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-744

H. 1117—Rep. Cobb

AN ACT

Relating to Marion County; amending further Section 10 of Act No. 115, H. 409, 1949 Regular Session (Acts 1949, p. 139), as amended by Act No. 39, H. 21, 1963 First Special Session (Acts 1963, p. 116), which act levies and provides for the collection and distribution of sales and use taxes in the county, so as to provide further for the distribution of the proceeds from such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10 of Act No. 115, H. 409, 1949 Regular Session (Acts 1949, p. 139), as amended by Act No. 39, H. 21, 1963 First Special Session (Acts 1963, p. 116), is hereby amended further to read as follows:

“Section 10. The proceeds derived from the taxes herein levied shall be distributed each year as follows:

“(1) The amount necessary in each year to pay the principal of and the interest due on the bonds for hospital purposes or health facilities authorized to be issued by Amendment No. 75 of the Constitution of Alabama of 1901;

“(2) Eight percent to the Marion County health department;

“(3) Fifty percent to the municipalities of Marion County to be distributed on a population basis; and

“(4) The remainder to the general fund of the county.”

Section 2. This amendatory act shall become effective on Oc-

tober 1, 1981.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-745

H. 1118—Rep. Sandusky

AN ACT

To amend the title and Section 18 of Act No. 2431, H. 2569 Regular Session 1971 (Acts 1971, p. 3880 et seq.) as amended, which relates to all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; to provide for and create a County Racing Commission for the regulation, licensing, and supervision of dog racing, and wagering thereon, etc., so as to provide further for the distribution of license fees, taxes, commissions, and other monies received under the provisions of this Act, and to create a board for the purpose of distributing a portion of such monies.

Be It Enacted by the Legislature of Alabama:

Section 2. Section 18 of Act No. 2431, H. 2569, Regular Session 1971 (Acts 1971, p. 3880 et seq.) as amended, is hereby amended to read as follows:

“Section 18. (a) All fees, commissions, taxes and other monies, including fines and forfeitures, received under the provisions of this Act shall be paid to the ex-officio treasurer of the Racing Commission and shall be forthwith remitted by him to the County Treasurer of the County for deposit in the County treasurer to the account of THE _____ COUNTY RACING COMMISSION. All such monies remaining after payment of the expenses incurred in the administration of this Act, including the payment of the salaries and expenses of the members and employees of the Commission, shall be distributed by the treasurer of the county, monthly as follows: Forty percent (40%) to the University of South Alabama for the use of the medical school; ten percent (10%) to S. D. Bishop State Junior College (formerly known as Mobile State Junior College); fifteen percent (15%) to the Board of School Commissioners of the largest school district in the County, and thirty percent (30%) to be divided among the counties and municipalities located therein on a proportionate basis according to the total populations of such legal entities, the population of the County being determined by counting only the number of residents of the County living outside the area of any incorporated municipality, all of said funds so distributed to be used by the respective governing bodies of each such entity for law enforcement purposes. Five percent to the County Law Enforcement and Firefighters Pension Fund which is established in subsection (b) of this section.

“(b) The County Law Enforcement and Firefighters Pension Fund is hereby established in all counties which maintain a county Racing Commission under the provisions of this Act. Such Funds are

created for the purpose of receiving, investing, and distributing the monies appropriated to said funds in subsection (a) of this section. The monies of this fund shall only be distributed to law enforcement officers and firefighters who are retired and receiving benefits under any of the respective municipal or county retirement systems. As used in this section the term 'law enforcement officer' or the term 'firefighter' means any full-time employee of a law enforcement or firefighting agency of the county or a municipality therein. The fund shall be administered by a seven (7) member board of trustees who shall be required to give bond in the amount of \$100,000; the cost of such bonds shall be paid for by the fund; one (1) trustee shall be elected by the police chiefs of the municipalities, the trustee so elected shall serve a term of two (2) years and shall be eligible to receive benefits under this Act upon retirement; one (1) trustee shall be elected by the fire chiefs of the municipalities, the trustee so elected shall serve a term of two (2) years and shall be eligible to receive benefits under this Act upon retirement; one (1) trustee shall be chosen by the sheriff of the county, the trustee so chosen shall serve a term of two (2) years and shall be eligible to receive benefits under this Act upon retirement; one (1) trustee shall be elected by the full time paid professional firefighters of the county, the trustee so elected shall serve a term of two (2) years and shall be eligible to receive benefits under this Act upon retirement; one (1) trustee shall be elected by the full-time paid law enforcement officers of the county, and the trustee so elected shall serve a term of two (2) years and shall be eligible to receive benefits under this Act upon retirement; two (2) trustees shall be elected by the previously elected five (5) trustees, the trustees so appointed shall serve a term of six (6) years and may or may not be eligible for benefits under this Act upon retirement. The election of the trustees from the firefighters and law enforcement offices of the county shall be conducted by the Judge of Probate of the county or his designated representative. After the election of the initial trustees the term of all trustees shall be six (6) years. Any vacancy which might occur shall be filled for the remaining period of the term in the same manner as the original position was filled. Nothing in this Act shall be construed so as to keep an individual who serves as both police chief and fire chief from voting on both trustees to be elected by each such respective officer. The Board shall meet at least once each month and shall be paid fifty dollars (\$50.00) for each day they meet; however, they shall not be paid for more than two (2) meetings in any one month. The salary herein provided shall be paid out of the fund. The board of trustee shall have the authority to hire actuaries for the purpose of determining the amount of money which may be paid out to each individual entitled to receive benefits under the provisions of this Act, while retaining an actuarially sound base for future benefits. For the purpose of accumulating monies so as to facilitate the purpose of this subsection there shall be no benefits paid out of

this fund for the first five years of its existence. Persons who retired before the year 1973 shall not be eligible for any benefits provided by this Act."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-746

H. 1119—Reps. Clark (G), Mitchell, Gilmer

AN ACT

Relating to the Twenty-fourth Judicial Circuit; amending Act No. 671, S. 728 of the 1976 Regular Session (Acts 1976, p. 922), relating to the salary of the circuit judge and the share of the counties composing such circuit, so as to provide further therefor and to include the district attorney of the county in such supplemental salary.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 671, S. 728 of the 1976 Regular Session (Acts 1976, p. 922), is hereby amended to read as follows:

"Section 1. The governing bodies of the counties composing the twenty-fourth judicial circuit are hereby authorized, empowered and directed to pay to each circuit judge and the district attorney of such circuit a supplemental salary in the amount of fifteen percent (15%) of their respective compensation paid by the state. The payment of such amount shall be proportioned equally among the counties comprising the twenty-fourth judicial circuit and shall be paid in equal monthly installments out of the general fund or any other funds as may be available for such purpose. Such salary shall be in addition to any other salary, compensation, allowances or expenses heretofore provided by law."

Section 2. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-747

H. 1120—Rep. Ray

AN ACT

Relating to Pike County; to provide further for the election of the members of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The several members of the Pike County board of education shall hereafter be elected by only those qualified electors in the county who are residing outside of the city limits of Troy, Alabama.

Section 2. Nothing in this act shall affect the unexpired term of any present member of the Pike County board of education.

Section 3. The provisions of this act are supplemental and shall be construed in pari materia with all other laws relating to the Pike County board of education; however, those laws or parts of laws in direct conflict or inconsistent herewith are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-748

H. 1124—Rep. Minus

AN ACT

Relating to Choctaw County; providing further for the compensation of the members of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Choctaw County Commission shall be entitled to receive an annual salary which shall be based upon the average annual salary now being paid to members of those county commissions serving counties which adjoin Choctaw County and which elect their commissioners from districts. Such salaries shall be paid in equal monthly installments from the county general fund and shall be in lieu of any salaries heretofore provided by law for the members of the Choctaw County Commission. In addition thereto, such members shall be entitled to receive cost of living increases equal, on a percentage basis, to those which the legislature grants from time to time to state employees.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise be-

coming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-749

H. 1125—Rep. Minus

AN ACT

Relating to Choctaw County, to amend further Section 1 of Act No. 1022, S. 877, 1969 Regular Session (Acts 1969, p. 2512) as amended, which act deals with the issuance of pistol permits in certain counties classified on a population basis, so as to provide further for the use of the monies collected upon issuance of such permits.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act. No. 1022, S. 877, 1969 Regular Session (Acts 1969, p. 2512) as amended is hereby further amended to read as follows:

“Section 1. In Choctow County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Section 13-6-175, Code of Alabama 1975, shall be ten dollars (\$10.00) which shall be collected by the sheriff or probate judge and deposited in a sheriff's fund to be used at the discretion of the sheriff.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-750

H. 1129—Rep. Johnson (Roy)

AN ACT

Relating to Tuscaloosa County; amending Section 7 of Act No. 357, S. 468 of the 1949 Regular Session (Acts 1949, p. 524), relating to the civil service regulations for Tuscaloosa County and applications therefor, so as to eliminate the provisions for an application fee.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 357, S. 468 of the 1949 Regular Session (Acts 1949, p. 524) is amended to read as follows:

“Section 7. Applications for Employment.—All persons seeking employment with Tuscaloosa County, Alabama, or who have been recommended for employment by any department head in which said positions of employment are under the supervision of the Civil Service

Board of Tuscaloosa County, Alabama, shall file their application with the Civil Service Board of Tuscaloosa County, Alabama, said applications to be on forms furnished by the Board, and all applicants shall be subject to examination, which shall be public, competitive, and open to all citizens of the United States, with specified limitations as to age, residence, health, habits and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to intelligently discharge the duties of the position to which they aspire. The Board shall control all examinations, and whenever an examination is to take place shall conduct such examination or arrange for the examination to be conducted by an appropriate person or persons."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-751

H. 1130—Rep. Venable

AN ACT

Relating to Elmore County; providing the county governing body may, by vote at a regularly scheduled meeting of that body, increase mileage payable to county employees on official business; and repealing all laws conflicting with the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any law to the contrary notwithstanding, the county governing body of Elmore County may, at any regularly scheduled meeting, increase the mileage payable to county employees on official business up to twenty cents (\$.20) per mile.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-752

H. 33—Rep. Payne

AN ACT

To provide further for the compensation of certain election officers and workers in counties which have a population in excess of 500,000, according to the most recent federal decennial census, and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties of the State of Alabama which now have, or which may hereafter have, a population in excess of 500,000, according to the last or any subsequent federal decennial census. In all general, municipal, special and primary elections, the compensation of certain election officers and workers shall be as follows: The Chief Inspector shall be paid \$55.00 per day, the Assistant Chief Inspector shall be paid \$45.00 per day. Each clerk and each worker assigned to canvass the vote shall be paid \$35.00 per day. Provided, however, that in municipal elections where paper ballots are used exclusively, the provisions of law applicable to the use of paper ballots shall apply as to the amount which each election official in such voting centers or box shall be paid. To receive returning fee allowed in this Act the election official must present an affidavit indicating that he has attended an election procedure school since the last election.

In all city and municipal elections, primary elections or otherwise, held on the same day and time of any state and county elections, the election officials shall be paid by said municipality one-half of the per diem herein provided, as though an independent election were held at a different date and time. The compensation of the election officials shall be in addition to the cost and expenses of rental and the use of voting machines by said municipality. Otherwise, two or more elections held county wide on the same date and time shall be considered, for the purposes of this act, to be held as one election.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-753

H. 1070—Rep. Hall

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of New Hope in Madison County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of New Hope in Madison County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

The Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) and the East one-half (E 1/2) of the Southeast Quarter (SE 1/4) of Section 32, Township 5 South, Range 2 East in Madison County, Alabama.

The Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 33, Township 5 South, Range 2 East in Madison County, Alabama less and except the E 1/2 of the Southwest quarter of said section.

The Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4), the South one-half (S 1/2) of the North one-half (N 1/2), and the South one-half (S 1/2) of Section 5, Township 6 South, Range 2 East in Madison County, Alabama.

The North one-half (N 1/2) of the North one-half (N 1/2) of Section 4, Township 6 South, Range 2 East in Madison County, Alabama.

The North one-half (N 1/2) of Section 8, Township 6 South, Range 2 East in Madison County, Alabama.

The South one-half (S 1/2) of the North one-half (N 1/2) of Section 9, Township 6 South, Range 2 East in Madison County, Alabama.

The South one-half (S 1/2) of the South one-half (S 1/2) of Section 10, Township 6 South, Range 2 East in Madison County, Alabama.

The South one-half (S 1/2) of the South one-half (S 1/2) of Section 11, Township 6 South, Range 2 East in Madison County, Alabama.

All of Section 15, Township 6 South, Range 2 East in Madison County, Alabama.

All of Section 14, Township 6 South, Range 2 East in Madison County, Alabama.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. Provided, however, the judge of probate shall call an election on the question of annexation at the next general or special

election. If a majority of the qualified electors residing within the territory to be annexed voting thereon shall vote in favor of the question, the provisions of this Act shall become effective immediately upon proper certification of the election results.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-754

H.J.R. 398—Rep. Dial

HOUSE JOINT RESOLUTION

COMMENDING MRS. JEAN BRANDLI FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

WHEREAS, in its desire to recognize Alabamians of achievement, the Legislature of Alabama today notes the many outstanding contributions of Mrs. Brandli to our state and to all its citizens; and

WHEREAS, motivated by a deep concern for others, Mrs. Brandli has long been actively involved in civic, charitable and community affairs, statewide, and has given unselfishly of her time and of her many, many talents; and

WHEREAS, Mrs. Brandli is perhaps to be most particularly commended for her contribution to and her support of the International Motor Sports Hall of Fame at Talladega, Alabama; and

WHEREAS, as a result of Mrs. Brandli's instrumental role as one of the original promoters, the International Motor Sports Hall of Fame will become a major attraction in Alabama with thousands of visitors annually who come to view the displays and visual exhibits relating to the automobile and automobile racing industries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep gratitude, we hereby most highly commend Mrs. Jean Brandli for outstanding service to the State of Alabama and direct that she receive a copy of this resolution in token of our sincere praise and high regard.

BE IT FURTHER RESOLVED, That a copy of this resolution also be provided for appropriate and permanent display in the International Motor Sports Hall of Fame.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-755

H.J.R. 399—Rep. Dial

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. BYRON BRUCE FINLEY OF LINEVILLE, CLAY COUNTY, ALABAMA.

WHEREAS, the Alabama Legislature has grievously noted the death of Mr. Byron Bruce Finley of Lineville, Alabama, on May 5, 1981, at the age of 79; and

WHEREAS, a native Alabamian, Mr. Finley had been a resident of Clay County since 1903; he was a graduate of Clay County High School, of Jacksonville State University and of Auburn University where he was awarded a Master's Degree in Education; and

WHEREAS, Mr. Finley served as Clay County Superintendent of Education for 12 years and was an elementary and junior high school principal from 1920 until 1942; he then served as Principal of Millerville High School until 1947 when he became a resident of Lineville as Assistant Principal and teacher until his retirement in 1957; and

WHEREAS, a prominent minister as well as educator, Mr. Finley was Pastor at Macedonia Primitive Baptist Church and had served churches in Coosa, Clay, Chambers and Jefferson Counties for more than one-half century; and

WHEREAS, his activities extended further to include civic affairs and he was chairman of the Democratic Committee of Clay County as well as past president of the Retired Teachers Association of Clay County; he also was a member of numerous educational organizations and actively involved on local, state and national levels; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mr. Byron Bruce Finley of Lineville, Alabama, and extend out most heartfelt sympathy to his wife, Mrs. Lucille Finley, their daughter, Mrs. Dixie Roberts, and to their sons, Wayne and Robert B. Finley, and other family members who are bereft in their great loss.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Finley's family with a copy also provided for permanent display in the Clay County Courthouse in memory of a distinguished and beloved Alabamian.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-756

H.J.R. 406— Reps. Horn, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

CONGRATULATING REPRESENTATIVE AND MRS. TONY HARRISON.

WHEREAS, the Alabama Legislature is pleased to note the birth of Jason Jessie Tyson, a handsome ten pound two ounce baby boy born Thursday, May 7, 1981, to Representative and Mrs. Tony Harrison; and

WHEREAS, the 22-inch long Jason will someday soon stand tall next to his father, his mother Pat and his older brother Antonio L., Jr. as part of the Harrison family; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate our proud colleague, Tony Harrison, and his lovely wife, Pat, on this latest addition to their already fine family, and wish for little Jason Jessie Tyson a long lifetime of happiness, wisdom and joy.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Pat and Tony Harrison, and one to Jason Jessie Tyson so that he may later know of our warm wishes for every success in life.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-757

H.J.R. 410—Rep. Cosby

HOUSE JOINT RESOLUTION

CONGRATULATING THE SELMA HIGH SCHOOL DEBATE TEAM.

WHEREAS, the Selma High School Debate Team is ending the school year on the triumphant note of having been named the 1981 Alabama State Champions; and

WHEREAS, in addition to winning the state championship they have captured more than 150 debate awards this year; and

WHEREAS, four of the senior debators have received the college Forensic Scholarships and eight members of the team have qualified for the national tournament to be held in Salt Lake City in June; and

WHEREAS, the Selma High School Debate Team at the recent state tournament set a new record for the most first place awards ever won by one school and another record for the most sweepstakes points ever accumulated by a school at the state event; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate the Selma High School Debate Team on their many fine accomplishments and do wish them all success in their future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Selma High School and to the Debate Team Coach, Mr. Billy Tate.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-758

H.J.R. 411—Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING THE SELMA-DALLAS COUNTY CHAMBER OF COMMERCE FOR BEING ACCREDITED BY THE U. S. CHAMBER OF COMMERCE.

WHEREAS, the Legislature of Alabama takes great pride in noting the recent accreditation of the Selma-Dallas County Chamber of Commerce by the U. S. Chamber of Commerce; and

WHEREAS, the Selma-Dallas County Chamber of Commerce, upon accreditation joined the elite group of only six in the whole state to be accredited; and

WHEREAS, an Accreditation Task Force began work on national accreditation in October of 1978, and after over two and one-half years of dedication and diligence became accredited by the national organization; and

WHEREAS, the local chamber was cited as “an organization meeting standards of performance in planning and programming and conducting a well-balanced and productive program of work”; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and commend the Selma-Dallas County Chamber of Commerce on their recent accreditation by the U. S. Chamber of Commerce.

BE IT RESOLVED FURTHER, That a copy of this resolution be sent to the Chamber as a token of our high esteem and praise.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-759

H.J.R. 413—Reps. Crow, Willis, Campbell,
Dial, Blake

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF ELANA ACCIACCIARELLI CLAYTON, KNOWN AFFECTIONATELY AS "JO JO THE CLOWN."

WHEREAS, the Alabama Legislature has grievously noted the recent untimely death of Elana Acciacciarelli Clayton in April 1981; and

WHEREAS, born of parents who were Italian immigrants, Mrs. Clayton was one of thirteen children and grew up in New York City; and

WHEREAS, she had lived in Calhoun County for the past 21 years; and

WHEREAS, for over 20 years, she entertained as "Jo Jo the Clown" and performed at all types of fund-raising events including fairs and telethons for the charitable purpose of cerebral palsy; and

WHEREAS, for the past two decades, she has touched the lives of hundreds of small children bringing twinkles to their eyes and smiles to their lips; and

WHEREAS, she was the devoted wife of Odis D. Clayton and beloved mother of three children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Elana Acciacciarelli Clayton, affectionately known as "Jo Jo the Clown," and extend our most heartfelt sympathy to her husband, Odis D. Clayton, and to her children, to whom copies of this resolution shall be sent.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-760

H.J.R. 415—Reps. Waggoner, Gafford,
Cabaniss, Biddle, Payne, Moore,
Trammell, Harrison, Escott,
Olive, Seibels, Amari, Bennett,
Cheatwood, Horn, Boles, Tucker,
Howard, Nevett, Jackson, Lewis

HOUSE JOINT RESOLUTION

COMMENDING MR. SCOTTY GREENE OF BIRMINGHAM, ALABAMA.

WHEREAS, a native and lifelong resident of Birmingham, Alabama, Mr. Scotty Greene has worked in Montgomery since 1979, as Chief Lobbyist for the City of Birmingham; and

WHEREAS, Scotty Greene graduated in 1974, with a Political Science Degree from Millsaps College in Jackson, Mississippi, where he played Varsity basketball and tennis and was a member of Omicron Delta Kappa leadership fraternity; and

WHEREAS, in the military from 1974 until 1977, Mr. Greene served as a briefing officer with Air Force Intelligence; and

WHEREAS, long prior to his association with the Legislature, he was active in politics in his native Jefferson County and has worked on the staff of former Governor Albert Brewer, and for Mayor David Vann and Mayor Richard Arrington as well; and

WHEREAS, during Mr. Greene's tenure as the first full-time chief lobbyist for the City of Birmingham, he has earned the respect, admiration and friendship of the members of the Legislature, and has performed his duties with an aggressive attitude and with alacrity; and

WHEREAS, Scotty Greene, regrettably, is resigning his present position, but for the commendable purpose of entering the University of Alabama School of Law; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Scotty Greene on his prestigious tenure as Chief Lobbyist for the City of Birmingham, and wish him every success, both as an attorney and in a possible future political career.

BE IT FURTHER RESOLVED, That Scotty Greene be presented with a copy of this resolution, tendered in praise and in token of our friendship and warm personal regard.

Approved May 21, 1981

Time: 2:15 P.M.

Bedsole, Blake, Cabaniss, Carter,
 Cates, Cheatwood, Cobb, Cosby,
 Crow, Daniels, Dial, Dixon,
 Drinkard, Edwards, Escott,
 Gilmer, Goodwin, Greer, Grimsley,
 Grouby, Hall, Harper (T),
 Harrison, Holley, Holmes,
 Howard, Kennedy, Laird,
 Langford, McMillan, Manley,
 Mitchell, Moore, Naramore,
 Nevett, Olive, Parker, Pegues,
 Penry, Rains, Reed, Riddick,
 Sasser, Seibels, Shoemaker, Smith
 (C), Smith (J), Starkey,
 Trammell, Turner, Turnham,
 Venable, Waggoner, Ward,
 Williams, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

NAMING THE ROEBUCK CAMPUS OF THE STATE DEPARTMENT OF YOUTH SERVICES, THE PASCHAL P. VACCA CAMPUS.

WHEREAS, Paschal P. (Pat) Vacca, a long time resident of Tarrant, Alabama, has performed many distinguished services for the people of Jefferson County and for our entire state as well; and

WHEREAS, "Pat" Vacca is a graduate of the Youngstown Institute School of Technology and the Birmingham School of Law; his civic and public services include past service as a municipal judge, auditor and city attorney for the City of Tarrant and he is also an Elk, Eagle, Civitan, Mason and Shriner; and

WHEREAS, Mr. Vacca served six years in the Alabama State House of Representatives and is currently serving his fourth consecutive term in the Alabama State Senate; and

WHEREAS, as a state senator, "Pat" Vacca has rendered invaluable service to the youth of this state by organizing and supporting numerous community and statewide projects that have benefited thousands of young people; and

WHEREAS, in view of his many efforts to benefit the Roebuck Campus of the State Department of Youth Services, it is both fitting and proper that this campus be named in his honor and as a lasting reminder of his untiring efforts on behalf of our state's youth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Roebuck Campus of the State Department of Youth Services is hereby designated the "Paschal P. Vacca Campus" in honor of our beloved colleague Senator "Pat" Vacca.

BE IT FURTHER RESOLVED, That the proper authorities are authorized and directed to erect appropriate signs and markers so designating said campus as the "Paschal P. Vacca Campus."

RESOLVED FURTHER, That Senator Vacca be presented a copy of this resolution in token of this honorary designation.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-762

H. 104—Rep. Whatley

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology as provided in Sections 34-7-1 through 34-7-47 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-7-1, 34-7-4, 34-7-5, 34-7-6, 34-7-7, 34-7-9, 34-7-11, 34-7-16, 34-7-17, 34-7-19, 34-7-21, 34-7-24, 34-7-40, 34-7-42, and 34-7-46, Code of Alabama 1975; and to repeal Sections 34-7-8, 34-7-13, 34-7-14, 34-7-22, and 34-7-23, Code of Alabama 1975, so as to: Provide further for the definitions and add several new definitions of "master cosmetologist," "booth rentals," "managing esthetician," "esthetician salon," "apprentice esthetician," "school for estheticians," "student esthetician," "Esthetician instructor," "credit unit hours" and "student instructor"; provide further for the qualifications of applicants of the board; regulate schools and salons of estheticians; remove the test for syphilis on the physician's report of applicants and provide certain other tests be performed within one year of application; provide for biennial fees and authorize the board to increase fees up to certain amounts; exempt classes of public school boards of education and public trade schools from various provisions of article 7 of Title 34; provide further requirements of temporary licensing; authorize the board to prorate fees in the implementation of biennial licensing; refer to "schools of cosmetology" or "schools for estheticians" instead of "beauty school"; remove subpoena power from board in relation to refusal, revocation or suspension of licenses or certificates; prohibit the unlawful practice of skin care, and schools of estheticians; further define exempted occasional hair dressers who receive no compensation; provide all board members must be licensed cosmetologists and need not be at least 25 years of age and shall receive \$40.00 per day compensation; provide that board investigations must be initiated by a majority of the board members; and repeal various code sections which are either redundant or superfluous, or have served their intended purposes; and to eliminate county exemptions so as to provide for statewide application of article 7 of Title 34 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset

Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Cosmetology, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-7-1 through 34-7-47, Code of Alabama 1975, as amended, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the Board of Cosmetology created and functioning pursuant to Sections 34-7-1 through 34-7-47, as amended, Code of Alabama 1975, are hereby continued.

Section 4. Sections 34-7-1, 34-7-4, 34-7-5, 34-7-6, 34-7-7, 34-7-9, 34-7-11, 34-7-16, 34-7-17, 34-7-19, 34-7-21, 34-7-24, 34-7-40, 34-7-42, and 34-7-46 of the Code of Alabama 1975, as amended, are hereby further amended to read as follows:

“§ 34-7-1.

“For the purposes of this chapter, the following words and phrases shall have the respective meanings ascribed by this section:

“(1) COSMETOLOGY. Any one and/or a combination of practices generally and usually, heretofore and hereafter performed by, and known as the profession of beauty culturists, cosmeticians, cosmetologists, hairdressers or of any other person holding himself or herself out as practicing cosmetology by whatever designation and within the meaning of this chapter and in and upon whatever place or premises; and in particular shall include, but otherwise not be limited thereby, to the following or any one or a combination or practices: arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring or similar work upon the hair of any person, by any means, and/or with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, creams or otherwise, massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work on the scalp, face, neck, arms, hands, bust or upper part of the body, or manicuring the nails of any person.

“(2) COSMETOLOGIST. Any person, not an apprentice or a student, following or practicing cosmetology on members of the general public for compensation not owning or managing a beauty shop or school of cosmetology, and who shall have the qualifications hereinafter provided for a cosmetologist.

“(3) **MANAGING COSMETOLOGIST.** A cosmetologist who manages or conducts a beauty shop or school of cosmetology.

“(4) **MANICURIST.** Any person who engages only in the practice of manicuring the nails of any person.

“(5) **APPRENTICE.** Any person who is engaged in the learning or acquiring of any or all practices of cosmetology and, while so learning, performs or assists in any of the practices of cosmetology in a shop registered or licensed under this chapter.

“(6) **STUDENT.** Any person who is engaged in the learning or acquiring of any or all the practices of cosmetology and, while so learning, performs or assists in any of the practices of cosmetology in a school registered or licensed under this chapter under the instruction or immediate supervision of an instructor licensed as such under this chapter.

“(7) **INSTRUCTOR.** Any person who is a cosmetologist and who teaches cosmetology or any practices thereof in a duly registered school of cosmetology; provided, that nothing contained herein shall apply to any instructor employed as a teacher in a school or class executed by a public school board of education or public trade school.

“(8) **STUDENT INSTRUCTOR.** A cosmetologist who is receiving instructions in teacher's training in a duly registered school of cosmetology.

“(9) **BEAUTY SHOP.** Any place or part thereof, wherein cosmetology or any of its practices are followed, whether such place is known or designated as a cosmetician, cosmetological or beauty shop or establishment or whether the person practicing cosmetology therein holds himself out as a cosmetician, cosmetologist or beauty culturist, or by any other name or designation indicating that cosmetology is practiced therein. All beauty shops shall have a managing cosmetologist on duty five days a week.

“(10) **SCHOOL OF COSMETOLOGY.** Any place or part thereof, wherein cosmetology or any of its practices are taught, whether such place or establishment is known or designated as a cosmetician, cosmetological or beauty culture school or establishment, or by any other name or designation, indicating that cosmetology is taught therein to students; provided, that nothing contained herein shall apply to any school or class operated by a public school board of education or public trade school.

“(11) **PLACE OF COSMETOLOGY.** Such place wherein cosmetology is practiced on the members of the general public for compensation; and such place wherein cosmetology is taught to students

shall hereinafter be considered as a school of cosmetology; provided, that any appropriate name herein mentioned may be used for either such beauty shop or for such school of cosmetology, respectively, but such name shall be displayed upon or over the entrance door or doors of such place designating it as a beauty shop or school of cosmetology as the case may be, within the meaning of this chapter. Each such establishment may be housed under the same roof but shall have an outside entrance and any entrance from the shop to the home shall be kept closed except that nothing herein shall prevent the use of said door. If a beauty shop is conducted in a home in a zone or district in a municipality in which the display of such name is forbidden by municipal ordinance or by other duly adopted zoning rule or regulation, signs designating the beauty shop or school of cosmetology may be omitted. Any shop in operation on September 20, 1957, upon proof that sanitary measures are being complied with, shall be exempt from the provisions of this subdivision; provided, that such exemption shall not apply if the ownership or location of the shop is changed. Each such establishment shall have an outside entrance and any entrance from the shop to the home shall be kept closed except nothing herein shall prevent the use of said door.

“(12) **DEMONSTRATOR.** Any person who is not licensed in this state as a cosmetologist or instructor and who demonstrates for purposes of selling or advertising any cosmetic preparation by applying the same with his or her hands upon the hair or body of another person. A demonstrator shall be required to obtain a license from the board before making such demonstration. The requirements for the issuance of a demonstrator's license are a health card, two photographs, a notarized application and fee as provided for in this article. Nothing in this Act shall be construed to apply to departments in retail establishments where cosmetics are demonstrated and offered for sale but wherein no other act of cosmetology is performed.

“(13) **BOARD.** The Alabama board of cosmetology, as hereinafter provided for.

“(14) **COSMETIC STUDIO.** Any place or premises where demonstrators give demonstrations for the purpose of advertising and selling cosmetics. It shall be necessary for any cosmetic studio to apply to the board for a certificate of registration for a cosmetic studio, said application to be upon a form prescribed by the board.

“(15) **ESTHETICIAN.** Any person, not an apprentice or a student, who engages in any of the following specialized practices as generally recognized in the field of cosmetology: skin care, make-up artistry, facials and body waxing.

“(16) **SHAMPOO ASSISTANT.** Any person who engages only

in the practices of shampooing or cleaning the hair of any person and applying temporary weekly color rinses.

“(17) MASTER COSMETOLOGIST. A person holding a Managing Cosmetologist license who has completed a course of study in continuing education approved by the Cosmetology Board within a licensing period and who has paid the original licensing fee as herein provided. This is an optional license and persons who do not wish to complete the continuing education requirement may obtain a Managing Cosmetologist license when renewing their license.

“(18) BOOTH RENTAL. The practice of renting space within an established beauty salon to a sole proprietor as a legally separate business entity. Rented booths are subject to all provisions of this chapter as they apply to beauty shops.”

“(19) MANAGING ESTHETICIAN. Any person who manages or conducts an esthetician salon or school for estheticians.

“(20) ESTHETICIAN SALON. Any place or part thereof, not a beauty salon, wherein skin care or any of its practices are followed. All esthetician salons must conform to rules promulgated by the state board.

“(21) APPRENTICE ESTHETICIAN. Any person who is engaged in the learning or acquiring of any or all practices of skin care and while learning performs or assists in any of the practices of skin care in a licensed esthetician salon or beauty salon.

“(22) SCHOOL FOR ESTHETICIANS. Any place or part thereof wherein only skin care or any of its practices are taught to students; provided that nothing contained herein shall apply to any school or class operated by a public school board of education or public trade school.

“(23) STUDENT ESTHETICIAN. Any person who is engaged in the learning or acquiring of any or all the practices of skin care in a licensed esthetician school or school of cosmetology.

“(24) ESTHETICIAN STUDENT INSTRUCTOR. Any licensed esthetician who is receiving instructions in teacher's training only in skin care in a duly registered school for estheticians or cosmetology school.

“(25) ESTHETICIAN INSTRUCTOR. Any person who is an esthetician and who teaches skin care or any practices thereof in a duly registered school of cosmetology for estheticians. Provided that nothing contained herein shall apply to any instructor employed as a teacher in a school or class executed by a public school board of education or public trade school.

“(26) CREDIT UNIT HOURS. A sufficient number of credit unit hours needed to provide a standardized curriculum in the practice of cosmetology and related practices regulated herein. The board of cosmetology shall establish a recommended number of credit unit hours which shall include all phases necessary to produce competent practitioners. Credit unit hours of students shall be certified daily by their licensed instructors; provided further, that earned hours of students as of the effective date of this act shall be converted to equivalent credit unit hours.”

“§ 34-7-4.

“No person shall be admitted to examination or receive a license under this chapter, except as otherwise provided for in this chapter, unless such person shall possess the following qualifications:

“(1) COSMETOLOGIST. Except as otherwise provided for in this chapter, no person may be licensed as a cosmetologist in any one or a combination of the practices of cosmetology under this chapter unless such person shall pay the original licensing fee as hereinafter provided for and have an education equivalent to the completion of 10 grades in school and shall have served and completed the required time and studies as follows:

“a. For a complete course of cosmetology, consisting of all or the majority of practices thereof in a school of cosmetology, of not less than 1,200 credit unit hours nor more than 1,700 actual clock hours of continuous training not to exceed more than eight hours in any one day or shall have completed a course of study in the public schools or trade school consisting of at least 1,200 credit unit hours nor more than 1,700 actual clock hours.

“b. Or as an apprentice in a beauty shop for a period of not less than 3,000 hours over a minimum period of one year of training not to exceed eight hours in any one day;

“c. Any barber desiring to obtain a cosmetology license must meet all requirements pertaining to students or apprentices and may be given credit for one-half of the earned barber hours required in the school of cosmetology or apprentice program in which they are trained, and must then take and pass both the written and practical state board examination for cosmetologists; and

“(d) Shall have passed an examination of the board as provided in this chapter.

“(2) MANICURIST. Except as otherwise provided for in this chapter, no manicurist may be licensed as such unless such person shall pay the original licensing fee as hereinafter provided for and shall

have completed a course of training of not less than 300 hours in a school of cosmetology, or shall have served as an apprentice in a beauty shop for a period of not less than 300 hours of continuous training not to exceed more than eight hours in any one day, and shall have passed an examination to the satisfaction of the board as provided for in this chapter.

“(3) **MANAGING COSMETOLOGIST.** Except as otherwise provided for in this chapter, no person may be licensed as managing cosmetologist unless such person shall pay the original licensing fee as hereinafter provided for, and shall be a licensed cosmetologist, and shall have served as such in a registered beauty shop or school of cosmetology for a period of not less than one year prior to such application for a license as managing cosmetologist.

“(4) **APPRENTICES.** Apprentices in cosmetology shall be registered upon the payment of the original fee as hereinafter provided for, payable upon the commencement of the apprenticeship in a duly registered beauty shop. Such apprentice shall be at least 16 years of age at the time of such registration and shall have an education equivalent to the completion of 10 grades in school; provided, that any beauty shop that shall take an apprentice shall immediately file with the board the name and age of such apprentice, and the board shall cause the same to be entered in a register kept for that purpose, provided said apprentice shall at no time be concurrently enrolled in a school of cosmetology, except for six hours of theory training per week. Esthetician salons are permitted to train persons only for an esthetician license.

“(5) **STUDENTS.** Students in cosmetology shall be registered by the board upon enrollment in a registered school of cosmetology and upon certification by such school of such enrollment. A student shall be at least 16 years of age at the time of such registration and shall have an education equivalent to the completion of 10 grades in school; provided, that any school of cosmetology that shall enroll such a student shall immediately file with the board the name and age of such student, and the board shall cause the same to be entered in a register kept for that purpose. Students in beauty schools are allowed to work in beauty salons after completion of 70 percent of the total hours required in beauty school only when school is not in session. One student trainee will be allowed for the first managing cosmetologist and one additional student for each three additional licensed cosmetologists attached to its staff. Such student must be enrolled with the board and receive a permit to work in a beauty salon before beginning work.

“(6) **INSTRUCTORS.** Except as otherwise provided in this

chapter, no person may be licensed as an instructor in any one or a combination of the practices of cosmetology unless such person shall pay the original licensing fee as hereinafter provided for and shall hold a license as a cosmetologist issued to him pursuant to subdivision (1) of this subsection, and in addition,

“a. Shall have completed not less than 1,250 credit unit hours, nor more than 1,700 actual clock hours in a teacher’s training course in cosmetology in a registered school of cosmetology, to be eligible for admission to examination; or shall have successfully completed a course of study in the public schools or trade schools consisting of at least 1,250 credit unit hours, nor more than 1,700 actual clock hours.

“b. Shall have not less than one year of experience as an active practicing cosmetologist prior to enrollment as a student instructor and supplemented by not less than 650 hours in a teacher’s training course in cosmetology in a registered school of cosmetology, in order to be eligible for admission for examination.

“No instructor or student instructor shall be permitted to practice cosmetology on the public other than such practical work as shall pertain directly to the teaching of practical subjects to students.

“c. Shall have an education equivalent to the completion of 12 grades in school in order to enroll in a course for teacher’s training in any registered school of cosmetology.

“Any person duly licensed to practice in any field related to cosmetology may apply to the board for a permit to teach theory in the field in which he is licensed to practice; and, upon proper proof of qualifications, said board may issue such teacher’s permit to the applicant.

“(7) **STUDENT INSTRUCTORS.** Student instructors in cosmetology shall be registered by the board upon enrollment in a registered school of cosmetology and upon certification by such school to the board of such enrollment. A student instructor at the time of such enrollment shall hold a license as a cosmetologist. Upon the completion of the course prescribed by this chapter for a student instructor, said student instructor may make application on a form provided by the board and pay the examination fee as hereinafter provided for. Said board shall thereupon cause such applicant to be examined for an instructor’s certificate, said examination to be given by the board. Upon such applicant’s successfully passing said examination and the payment of the original licensing fee of an instructor as hereinafter provided for, said board shall issue and give an instructor’s certificate. Any school of cosmetology that shall enroll any person as a student instructor shall immediately file with the board

the name and age of such student and his qualifications qualifying him for such course as herein provided, and the board shall cause the same to be entered in a register kept for that purpose. Schools for estheticians are permitted to train student instructors only for an esthetician instructor's license.

“(8) ESTHETICIAN. Except as otherwise provided for in this chapter, no person may be licensed as an esthetician under this chapter unless such person shall pay the original licensing fee as hereinafter provided for and have an education equivalent to the completion of 10 grades in school and shall have successfully served and completed the required time and studies as follows:

“a. For a complete course of skin care, consisting of all or the majority of practices thereof in a school of cosmetology or esthetician school of not less than 1,200 credit unit hours, nor more than 1,700 actual clock hours, of continuous training not to exceed more than eight hours in any day or shall have completed a course of study in the public schools or trade school consisting of at least 1,200 credit unit hours, nor more than 1,700 actual clock hours, of training; or

“b. As an apprentice in a beauty shop or esthetician salon for a period of not less than 3,000 hours over a minimum period of one year of training not to exceed eight hours in any one day; or, in either event.

“c. Shall have passed an examination to the satisfaction of the board as provided in this chapter.

“(9) MANAGING ESTHETICIAN. Except as otherwise provided for in this chapter, no person may be licensed as a managing esthetician unless such person shall pay the original licensing fee as hereinafter provided for, and shall be a licensed esthetician, and shall have served as such in a registered beauty shop or school of cosmetology or esthetician salon or school for estheticians for a period of not less than one year prior to such application for a license as a managing esthetician.

“(10) STUDENT ESTHETICIANS. Shall be registered by the board upon enrollment in a registered school of cosmetology or school for estheticians and upon certification by such school to the board of such enrollment. A student shall be at least 16 years of age at the time of such registration and shall have an education equivalent to the completion of 10 grades in school; provided, that any school of cosmetology or esthetician school that shall enroll such a student shall immediately file with the board the name and age of such student, and the board shall cause the same to be entered in a register kept for that purpose.

“(11) ESTHETICIAN INSTRUCTORS. Except as otherwise provided in this chapter, no person may be licensed as an esthetician instructor unless such person shall pay the original licensing fee as hereinafter provided for and shall hold a license as a cosmetologist or esthetician and in addition:

“a. Shall have completed not less than 1,250 credit unit hours, nor more than 1,700 actual clock hours, in a teacher’s training course in cosmetology in a registered school of cosmetology or esthetician school of cosmetology or esthetician school to be eligible for admission to examination; or

“b. Shall have not less than one year of experience as an active practicing cosmetologist or esthetician prior to enrollment as a student instructor and supplemented by not less than 650 hours in a teacher’s training course in cosmetology or skin care in a registered school of cosmetology or school for estheticians in order to be eligible for admission for examination.

“No instructor or student instructor in skin care shall be permitted to practice cosmetology on the public other than such practical work as shall pertain directly to the teaching of practical subjects to students.

“c. Shall have an education equivalent to the completion of 12 grades in school in order to enroll in a course for teacher’s training in any registered school of cosmetology or esthetician school.”

“§ 34-7-5.

“(a) It shall be necessary for any person, firm, corporation or association to apply to the board for a certificate of registration as a registered beauty shop, esthetician salon, school of cosmetology or school for estheticians, within the meaning of this chapter, said application to be upon a form prescribed by the board and accompanied by the payment of the original registration fee as hereinafter provided for. Any beauty shop or school of cosmetology, esthetician salon or school for estheticians shall, after May 23, 1977, fully comply with all the provisions of this chapter applicable thereto, and with all the rules and regulations promulgated by the board as hereinafter provided.

“(b) No beauty shop or esthetician salon shall accept an apprentice unless such beauty shop or esthetician salon is in charge of a managing cosmetologist or managing esthetician licensed as such. Such shop may register one additional apprentice for each additional managing cosmetologist or licensed esthetician attached to its staff. In addition, such shop shall possess the necessary apparatus and equipment for the proper instruction in all subjects for the practices

for which a license is required under this chapter, and shall maintain a daily record of the attendance of such apprentice or apprentices, together with the number of hours of apprenticeship, and shall certify to the board, upon termination of such apprenticeship, the credits earned. Such instruction shall require the necessary training for a complete course comprising all or the majority of the practices of cosmetology or skin care as provided in subdivisions (1) and (2) of subsection (a) of section 34-7-4, and such course shall include practical demonstrations and theoretical studies and studies in sanitation, sterilization and other safety measures, and the use of antiseptics, cosmetics and electrical appliances, consistent with the practical and theoretical requirements as applicable to cosmetology, as provided for in this chapter.

“(c) Any beauty shop registered or licensed under this chapter is authorized to employ a shampoo assistant who shall be under the supervision of the managing cosmetologist, provided such person is at least 16 years of age and submits to the managing cosmetologist a certificate of health as is required by section 34-7-7. Any such beauty shop that employs a shampoo assistant shall immediately file with the board the name and age of such person together with the person’s certificate of health and the payment of a registration fee as provided for in this article. The board shall then cause the appropriate information to be entered in a register kept for that purpose.

“(d) Any person, firm or corporation teaching any or all of the practices of cosmetology or skin care shall be required to comply with all provisions applicable to schools of cosmetology or to beauty shops, esthetician schools, esthetician salons having apprentices and any and all rules which may be promulgated by the board. No school of cosmetology, beauty shop, esthetician salon or school for estheticians shall operate within this state unless a proper certificate of registration under this chapter has first been obtained. The practice of cosmetology or skin care shall not be followed in this state except in a duly registered beauty shop or school of cosmetology, esthetician salon, or school for estheticians except for educational purposes.”

“§ 34-7-6.

“No school of cosmetology shall be granted a certificate of registration unless it shall employ and maintain a sufficient number of competent instructors, at least one for every 20 students in attendance at any one time; shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum; shall keep a daily record of the attendance of each student; maintain regular class and instruction hours, establish grades and hold examinations before issuance of diplomas and shall require a school term of training for a complete course comprising all or the majority of the

practices of cosmetology as provided in subdivision (1) of subsection (a) of section 34-7-4, together with the minimum number of hours therein prescribed; and shall include practical demonstrations and theoretical studies and study in sanitation, sterilization, other safety measures and the use of antiseptics, cosmetics and electrical appliances, consistent with the practical and theoretical requirements as applicable to cosmetology or any practice thereof, as provided in this chapter. Any such school that shall enroll student instructors shall not have at any one time more than two student instructors for each licensed instructor actively engaged in such school. A school engaged only in the teaching of estheticians shall not be required to provide instruction in other practices of cosmetology but must meet all requirements of cosmetology schools pertaining to instructors, attendance records, enrollments, etc."

"§ 34-7-7.

"Every person who desires to engage in any of the practices designated to be within the meaning of this chapter shall file with the secretary of said board a written application for a certificate to practice or for an examination and license to practice, as the case may be, and as provided in this chapter. Such application shall be accompanied by a certificate of health giving the dates and results of a chest x-ray of skin test. Such tests must be made within one year prior to filing of the application for a certificate to practice or for an examination for a license to practice.

"Any places of training for cosmetologists that are not inspected for sanitation and sterilization practices by the Alabama board of cosmetology shall fall under the jurisdiction of the state health department."

"§ 34-7-9.

"(a) The examination of applicants for a license to practice a classified profession as designated under this chapter shall be conducted under rules prescribed by the said board and shall include both practical demonstrations, written and oral tests in reference to the practices for which a license is applied and such related studies on subjects as the board may determine necessary for the proper and efficient performance of such practices, and shall not be confined to any specific system or method. Such examinations shall be consistent with a prescribed curriculum for schools of cosmetology or schools for estheticians and the practical and theoretical requirements for the practice of cosmetology as provided by this chapter.

"(b) Temporary permits will be extended until the next state board examination for persons failing the state board examination for

the first time. Persons failing the state board examination for the second time must return to beauty school for 375 additional hours or train for 600 additional hours in a cosmetology salon then retake both parts of the state board examination."

"§ 34-7-11.

"The various fees to be paid by the applicants for original registrations, licenses, biennial renewals, temporary permits, licenses issued upon reciprocity, and examinations, as required under this chapter shall be established by the board, not to exceed the following amounts:

"(1) Original registrations, licenses and biennial renewals thereof:

Beauty Shop, original registration	\$ 70.00
Beauty Shop, biennial renewal	\$ 30.00
School of Cosmetology, original registration	\$300.00
School of Cosmetology, biennial renewals	\$100.00
Cosmetologist, or Master Cosmetologist, original license	\$ 25.00
Cosmetologist, or Master Cosmetologist, biennial	\$ 15.00
Managing Cosmetologist, original license	\$ 25.00
Managing Cosmetologist, biennial renewal	\$ 15.00
Manicurist, original license	\$ 20.00
Manicurist, biennial renewal	\$ 15.00
Shampoo assistant, original license	\$ 15.00
Shampoo assistant, biennial renewal	\$ 15.00
Instructor, original license	\$ 30.00
Instructor, biennial renewal	\$ 15.00
Demonstrators, original license	\$ 30.00
Demonstrators, biennial renewal	\$ 15.00
Cosmetic Studio, original registration	\$ 70.00
Cosmetic Studio, biennial renewal	\$ 30.00
Reciprocity license fee	\$100.00
Esthetician, original registration	\$ 25.00
Esthetician, biennial renewal	\$ 20.00
Apprentice registration fee	\$ 10.00
Registration of Student in Beauty School	\$ 5.00
Registration fee for Student Instructor	\$ 5.00
Duplicate of license, renewal, or permit	\$ 5.00
Penalty fee for late renewal	\$ 5.00
Fee for information concerning license standing - out of state	\$ 5.00

"(2) Examination

As a Cosmetologist, or Master Cosmetologist	\$ 20.00
As a Managing Cosmetologist	\$ 20.00
As an Instructor	\$ 40.00

As a Manicurist	\$ 20.00
Re-examination fee for Cosmetologist or Managing Cosmetologist or Manicurist	\$ 20.00
Re-examination fee, Instructor	\$ 40.00
As an Esthetician	\$ 40.00
Re-examination fee, Esthetician	\$ 40.00
Student Apprentice Trainee, original fee	\$ 5.00
Booth Rental, original registration	\$ 70.00
Booth Rental, renewal	\$ 40.00
School for Estheticians, original registration	\$300.00
School for Estheticians, biennial renewal	\$100.00
Esthetician Salon, Original registration	\$ 70.00
Esthetician Salon, biennial renewal	\$ 40.00
Managing Esthetician, original license	\$ 25.00
Managing Esthetician, biennial renewal	\$ 15.00
Registration of student in school for estheticians	\$ 5.00

“§ 34-7-16.

“It shall be unlawful for any person, firm or corporation to practice cosmetology or skin care except in a bona fide established beauty shop, esthetician salon, school of cosmetology or school for estheticians wherein the requirements of laws as to proper and sanitary practices of cosmetology or skin care are complied with. Provided that nothing contained herein shall apply to any school or class operated by a public school board of education or public trade school.

“§ 34-7-17.

“(a) The board may issue a temporary license to any person who otherwise is subject to examination, as provided in this chapter, upon documentary or other satisfactory evidence that the applicant therefor has the necessary qualifications to practice any one or any combination of practices of cosmetology for which a temporary license is applied; provided, that such application for a temporary license is accompanied by an application for an examination as provided in this chapter and the necessary fee therefor as provided in section 34-7-11.

“(b) Satisfactory documentary or other evidence of qualification for examination as herein provided shall consist of appropriate certification from the administrative head of the school of cosmetology, beauty shop, or the public school or trade school at which the applicant received his training.

“(c) Each temporary license shall state the date of expiration, and the temporary license shall after such date be void and of no effect. Such temporary license shall in no event remain in force beyond the date of the next regular meeting of the board at which examinations are held and until the results of the applicant's examination

are announced.”

“§ 34-7-19.

“No license issued by the board shall be for a period longer than two years. All licenses shall expire on September 30 of odd-numbered years. Renewal applications must reach the office of the board on or before November 1 of the odd-numbered years. Applicants will be required to pay a penalty fee for each license not renewed prior to November 1. The holder of the expired certificate or license may have, within three years of the date of the expiration, the certificate restored upon the payment of the required renewal fees plus the penalty fee. The restoration fee shall be as follows: the sum of the accumulated renewal fees for the lapsed period, plus the penalty fee and the fee for the current year. Licenses which have expired for a period longer than three years may be restored upon successful completion of the practical part of the state board examination and payment of the examination fee, plus fees for the lapsed period. The board is further authorized to prorate fees pursuant to the adoption of biennial licensing as provided in this amendatory Act, so as to fairly charge for periods of time less than two years.”

“§ 34-7-21.

“The board shall have the power to refuse, revoke and suspend licenses and certificates, strictly in accordance with the provisions of this chapter, upon proof of violation of any of the rules and regulations promulgated by the said board, or upon proof of violation of any of the sections of this chapter.

“The board may refuse to grant or may revoke or suspend any certificate or license issued in any case where the holder of or applicant for such license or certificate shall have been guilty of fraud or dishonest conduct in the taking of the examination herein provided for, shall at any time have been convicted of a felony or of gross immorality, shall be guilty of grossly unprofessional or dishonest conduct, shall be addicted to the excessive use of intoxicating liquors or to the use of drugs to such an extent as to render him or her unfit to practice in any of the practices or professions set forth in this chapter, shall advertise by means of knowingly false or deceptive statements or shall fail to display the license or certificate issued to him as provided for in this chapter. The board shall not, on any of the grounds in this section stated, refuse to issue or renew any license or certificate, nor shall it revoke or suspend any such license or certificate already issued except after a hearing, of which the applicant or licensee or the holder of the certificate affected shall be given at least 20 days’ notice in writing, specifying the reason or reasons for denying the applicant a license or certificate of registration or, in case of a

suspension or revocation, the offense or offenses of which the licensee or the holder of the certificate of registration is charged. Such notice may be served by mailing a copy thereof by registered or certified mail to the last known residence or business address of such applicant, licensee or holder of a certificate. The hearing on such charges shall be held in Montgomery county at such time as the board may prescribe.

“§ 34-7-24.

“Nothing in this chapter shall prohibit service in case of emergency or domestic administration, without compensation, nor services by persons authorized under the laws of this state to practice medicine, surgery, dentistry, chiropody, osteopathy or chiropractic or the occupation of a masseur, nor services by barbers, insofar as their usual and ordinary vocation and profession is concerned, when engaged in any of the following practices, namely: arranging, cleaning, cutting or singeing the hair of any person; or in massaging, cleansing, stimulating, exercising or similar work upon the scalp, face or neck of any person with the hands, or with mechanical or electrical apparatus or appliance, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams. This chapter shall not apply to the services of personnel of the United States army, navy, air force or marine corps, or to registered nurses doing any of the acts or works defined as cosmetology; and this chapter shall not apply to the teaching or practice of cosmetology in training public school or trade school pupils.

“This chapter shall not apply to any person who only occasionally dresses hair and receives no compensation therefor, or does any other act or thing mentioned in subdivision (1) of subsection (a) of section 34-7-1, without holding herself or himself out to the public as a practicing cosmetologist, as defined in this chapter.”

“§ 34-7-40.

“(a) There is hereby created the Alabama board of cosmetology which shall consist of seven persons appointed by the governor, one from each congressional district, all of whom shall be active licensed cosmetologists. The terms of office for this board shall be: seven appointed on October 1, 1981, one for a period of one year, two for a period of two years, two for a period of three years, two for a period of four years. All subsequent appointments shall be for a period of four years. No person shall serve for more than two consecutive four-year terms on the board. Vacancies on the board shall be filled by the governor for the unexpired terms.

“(b) The members of the board must have had at least five years practical experience in the majority of the practices of cosmetology. Board members shall be appointed for terms of five years. Vacancies

on the board shall be filled by the governor for the unexpired terms. Only one member of the board shall be a member of or affiliated with a school of cosmetology. Said board may do all things necessary and convenient for enforcing the provisions of this chapter. The board may from time to time promulgate necessary rules and regulations compatible with the provisions of this act. Any board member may be removed by the governor for just cause.

“(c) The board shall publish all its rules and regulations, together with a copy of this chapter and its amendments, and distribute the same to all licensees affected by the same. Amendments and changes in said rules and regulations shall likewise be published by the board and distributed to the licensees hereunder. The rules and regulations so published and distributed must be retained in each shop or school licensed by the board and must be available at all times to personnel in each shop or school and available to the general public where interest is manifested.

“(d) No rule or regulation of the board, or amendment or repeal of an existing rule or regulation, shall be effective until 20 days after written notice thereof shall have been given to each beauty shop owner and cosmetology school licensed under this chapter, but the failure of any such persons to receive the notice shall not invalidate the rule or regulation, amendment or repeal, except upon proof that the failure to give the notice was a willful violation of this requirement.”

“§ 34-7-42.

“Members of the board shall be paid \$40.00 per day for transaction of board business, not to exceed 50 days during any calendar year. Such board members shall also receive travel expenses and expenses as other state employees. Such compensation and expenses shall be paid from funds derived from the operation of this chapter and deposited in the state treasury to the use of the board, upon requisition signed by the president and treasurer of the board and on warrant of the state comptroller. Any money remaining in this fund at the end of each fiscal year shall remain on deposit in the state treasury for the use of the Alabama Board of Cosmetology.”

“§ 34-7-46.

“Any investigation, inquiry or hearing which the said board is empowered by this chapter to hold or undertake may be held or undertaken by, or held before, a majority of said board, and shall be deemed to be the finding or order of said board when approved and confirmed by a majority of said board.”

Section 5. Sections 34-7-8, 34-7-13, 34-7-14, 34-7-22, and 34-7-23

of the Code of Alabama 1975, are hereby repealed and shall have no further force or effect of law.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-763

H. 382—Rep. Owens

AN ACT

To make a supplemental appropriation to the Department of Public Health from the Vital Statistics Fund, Hospital Licensing Fund and Hearing Aid Fund as provided in Title 34, Chapter 14, Article 1 and 2, 1975, Code of Alabama for the fiscal year ending September 30, 1981.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the Vital Statistics Fund the sum of \$200,000, the Hospital Licensing Fund the sum of \$100,000 and the Hearing Aid Fund the sum of \$7,000, in the state treasury, for the fiscal year ending September 30, 1981, to the Department of Public Health for the purposes of salaries and other operational expenses. The appropriation herein shall be in addition to any and all other funds heretofore or hereinafter appropriated to the Department of Public Health.

Section 2. There is hereby supplementally appropriated from the funds designated for the State Board of Chiropractic Examiners for the fiscal year ending September 30, 1981, the sum of \$10,000.00 to be used for the purpose of operating and administering said Board.

The appropriation herein made shall be in addition to any and all other appropriations heretofore or hereafter made.

Section 3. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-764

H. 823—Reps. Owens, McCorquodale,
Manley, Dial, Sasser

AN ACT

To create the Board of Corrections Capital Outlay Oversight Commission; to prescribe the composition and appointment of the membership and terms of office; to prescribe the commission's powers and duties; to provide for the election of a chairman and vice chairman of the commission and its organization, meetings and conduct of business; to make an appropriation from the general fund of the state treasury, for the fiscal year ending September 30, 1981, to the Board of Corrections for capital outlay purposes and to prescribe the conditions of release therefor; and to provide for legislative compensation, per diem and travel expenses.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the Board of Corrections Capital Outlay Oversight Commission to consist of the Lieutenant Governor, Speaker of the House, Governor, Finance Director, the State Board of Corrections Officer, and six members each from the House of Representatives and Senate, appointed by the Speaker of the House and Lieutenant Governor, respectively. The members so appointed shall serve until their successors are appointed at the next regular session of the legislature following the regular session in which they were elected.

In the event of the death or resignation of any member appointed from the Senate or the House of Representatives his successor shall be appointed from the same body and such successor appointed to the vacancy shall serve for the unexpired term remaining of the member he was appointed to succeed. The original members shall serve until the end of their elected terms. Each subsequent appointment shall be for the full four-year legislative term. A chairman and vice chairman shall be elected from among its members. The commission shall hold an organizational meeting at the state capitol within ten (10) days after the effective date of this act. Thereafter the commission shall meet, from time to time, at the call of the chairman, vice chairman, or upon the request of five or more members, with notice and procedure as prescribed by the rules of the commission.

The commission shall adopt its own rules of procedure and transaction of business, except as otherwise herein provided.

Section 2. A majority of the members shall constitute a quorum for the purpose of transacting any business or the perform-

ance of any authorized duties. Each the ex officio and appointed members shall have voting privileges.

Section 3. The commission shall approve and supervise any capital outlay or capital improvement for the Board of Corrections made pursuant to the provisions of this act.

Section 4. The sum of forty-five million dollars (\$45,000,000), or so much thereof as may become available, as herein provided, is hereby appropriated from the general fund of the state treasury, for the fiscal year ending September 30, 1981, to the use of the Board of Corrections for capital outlays and capital improvements. Such appropriation shall be released only upon resolution duly adopted by the commission, recommending and ordering the transfer, the use or expenditure of the amount, and upon the terms so recommended; and the state comptroller shall draw a warrant in such amount and for such purposes upon receipt of a certified copy of the resolution signed by the chairman or vice chairman.

Such supplemental appropriations made pursuant to this act shall be in addition to any other appropriation heretofore or herein-after provided by law for the Board of Corrections.

Section 5. The commission shall keep full and complete minutes in writing of its proceedings and every action taken shall be by written resolution.

Section 6. Each legislative member of the commission shall be entitled to his regular legislative compensation, per diem and travel expenses for each day he attends a meeting or conducts business of the commission which shall be paid out of any funds herein appropriated, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman or vice chairman.

Section 7. It is the intent of the legislature that funds accruing to the state from oil and gas leases, although co-mingled with other funds in the general fund of the state treasury for investment purposes, shall be considered as a separate fund for purposes of appropriations. All principal and interest accruing from the leases shall remain in the state treasury until specifically and unconditionally appropriated by the legislature. It is further the intent of the legislature that funds appropriated in this bill shall come from said oil and gas lease funds.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-765

H. 1109—Rep. Reed

AN ACT

Relating to Bullock County; to provide for an additional expense allowance for the Board of Registrars of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. In Bullock County, in addition to any and all other compensation, salary and expense allowances provided for by law, there shall be paid to each member of the board of registrars an expense allowance in such an amount as will, together with any amount paid by the state, as salary, compensation or expense allowance, make the total paid to such members equal to thirty dollars (\$30.00) per day. If the amount paid to such member as compensation or expense allowance by the state increases in the future, then the amount paid by the county under this act shall automatically decrease.

Section 2. The amount paid under the provisions of this act shall be paid out of the county general fund and shall be paid only when the members actually attend meetings.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1981

Time: 2:15 P.M.

Act No. 81-766

S. 174—Mr. Kirkland

AN ACT

To regulate the practice of soil classification; to provide for the registration of qualified persons as professional soil classifiers; to designate a state board of registration

of soil classifiers; to provide for the appointment and compensation of its members; to fix the terms of the members of the board and to define the powers and duties of the board; to provide the minimum qualifications and other requirements for registration; to establish fees with expiration and renewal requirements; to provide that certain persons shall be exempt from the provisions of this Act; and to provide for the enforcement of this Act and prescribe criminal penalties for its violations.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act may be cited as the “Professional Soil Classifiers Registration Act.”

Section 2. As used in this Act, unless a different meaning clearly appears from the context, the following words shall have the following meanings:

(a) “Board” means Alabama Soil and Water Conservation Committee for the registration of Professional Soil Classifiers.

(b) “Registered Professional Soil Classifier” means a person entitled under this Act to take and use the title.

(c) “Soil Classification” means the soil science evaluation of the nature, physio-chemical properties, formation, taxonomic classification, and general land use suitability on the basis of these parameters within a soil management criteria; it shall specifically include the mapping and identification of surficial and subsurface soil profiles, and the soil management interpretation of these data. Soil classification centers on soils as the biochemically weathered part of the earth’s crust, the collection of natural bodies on the earth’s surface, supporting plants, with a lower limit at the deeper of either the unconsolidated mineral or organic material lying within the zone of rooting of the native perennial plants; or where horizons impervious to roots have developed the upper few feet of the earth’s crust having properties differing from the underlying rock material as a result of interactions between climate, living organisms, parent material and relief.

(d) “Practice of Soil Classification” means any professional service which requires the application of soil classification principles and data. Such professional service includes identification and mapping of soils according to the standards of the National Cooperative Soil Survey, consultation or evaluation.

(e) “Qualified Professional Soil Classifiers” means such persons who, by reason of their knowledge of soil classification acquired by professional education and practical experience, are qualified to engage in the practice of soil classification as defined.

(f) “Responsible charge of work” means the independent control and direction by the use of initiative, skill, and independent judgment of work or the supervision of such work.

(g) "Subordinate" means any person who assists a registered professional soil classifier without assuming the responsible charge of work.

Section 3. This Act shall not be construed to affect or prevent the practice of any other legally recognized profession. In particular, this Act shall not be construed to affect or prevent individuals who are duly licensed by the State of Alabama Board of Registration of Professional Engineers and Land Surveyors and who are engaging in the practice of "geotechnical engineering" or "soils engineering" from conducting an engineering evaluation of the nature, physical properties, and engineering characteristics to determine the surficial and subsurface soil suitability for the environmental and structural support of constructed facilities or to evaluate surficial or subsurface soils which are to be used as a construction material.

Section 4. This Act does not prohibit one or more professional soil classifiers from practicing through the medium of a sole proprietorship, partnership or corporation. In such partnership or corporation whose primary activity consists of classification services, at least one partner or officer shall be a registered professional soil classifier.

Section 5. Any person, except those specifically exempted by this Act, who shall practice or offer to practice soil classification for the public in this state is subject to this Act.

Section 6. The following persons shall be exempt from the provisions of this Act:

(a) Any person not a resident of and having no established place of business in this state, practicing or offering to practice herein the profession of soil classifier when such practice does not exceed a total of 30 days in any calendar year, provided such person is legally qualified by registration to practice the said profession in his own state or country in which the requirements and qualification for obtaining registration are not lower than those specified in this Act.

(b) Any person not a resident of and having no established place of business in this state, or who has recently become a resident thereof, practicing or offering to practice herein for more than 30 days in any calendar year the profession of soil classifier, if he shall have filed with the board an application for registration and shall have paid the fee required by this Act. Such exemption shall continue only for such time as the board requires for the consideration of the application for registration, provided such a person is legally qualified to practice said profession in his own state or country in which the requirements and qualifications for obtaining registration are not lower than those specified in this Act.

(c) Any employee or a subordinate of a person holding registration under this Act, or an employee of a person exempted from registration by subsections 1 and 2, provided this practice does not include responsible charge of work or evaluation.

(d) Any person in full employment by the State or United States Government or who is fully employed to perform soil classifying services solely for his employer or for a subsidiary or affiliated corporation of his employer, provided the soil classification is in connection with the property, products or services of his employer.

Section 7. The Alabama Soil and Water Conservation Committee shall serve as and be the State Board of Registration for Professional Soil Classifiers, and it shall be the duty of such board to administer the provisions of this Act. The board shall appoint an advisory council of five (5) members, four of whom shall be qualified professional soil classifiers who shall have the qualifications required in this Act. It shall be the duty of such council to recommend certification of those persons eligible to become registered soil classifiers. The fifth member of the advisory council shall be the administrative officer of the board. The other four members of the advisory council shall be appointed for terms of office of five years and until their respective successors have been appointed and qualified; provided that one of the initial members shall be appointed for an initial term of office ending on June 30, 1982, one shall be appointed for an initial term of office ending on June 30, 1983, one shall be appointed for an initial term of office ending on June 30, 1984, and one shall be appointed for an initial term of office ending on June 30, 1985.

(a) Four members of the advisory council shall be professional soil classifiers who have been actively engaged in the practice of professional soil classifying for a period of at least five years and who shall have been in responsible charge of soil classification for at least three years. The fifth member of the advisory council shall be the administrative officer of the Alabama Soil and Water Conservation Committee, who shall serve as an ex officio member of the advisory council with the same rights, powers and duties as the other members of the council.

(b) Each member of the advisory council shall be reimbursed for travel expenses in accordance with Title 36, Chapter 7 of the Code of Alabama 1975, as amended.

Such compensation and expenses shall be paid from funds derived from application and renewal fees.

(c) Vacancies in the membership of the advisory council shall be filled by appointment by the board as provided in this section and

the person appointed to fill such vacancy shall serve for the unexpired term.

(d) The advisory council shall hold at least two regular meetings per year. Special meetings may be held as provided by the bylaws of the council, but not more than four such special meetings shall be held in any calendar year. The council shall elect, annually, a chairman and vice-chairman. The administrative officer of the Alabama Soil and Water Conservation Committee shall serve as secretary-treasurer of the council. Three members of the council shall constitute a quorum.

Section 8. The board shall have the following powers:

(a) To adopt and amend all bylaws, rules and regulations necessary or convenient to administer and carry out the provisions of this Act and for the conduct of its affairs and functions consistent with the Constitution and laws of this state which may be reasonably necessary for the performance of its duties and the regulation of its proceedings, meetings, records, examinations and the conduct thereof, and to adopt and promulgate a code of ethics which shall be binding upon all persons registered under or subject to this Act.

(b) To affix its official seal to each numbered certificate issued.

(c) To hold hearings, administer oaths, take and record testimony, to make findings, orders and determinations which shall be subject to review by the courts of this state in the manner provided by law from decisions of other boards and commissions. Upon the failure or refusal of any person to comply with such order of the board, the board may apply to a court of any jurisdiction to enforce compliance with such orders.

(d) To apply, in the name of the state, for relief by injunction, without bond, to enforce the provisions of this Act or to restrain any violation thereof. In such proceedings it shall not be necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation thereof.

(e) The board shall keep a record of its proceedings and of all applications for registration, which record shall show the name, age and last known address of each applicant, the place of business of such applicant, his education, experience and other qualifications, type of examination required, whether or not a certificate or registration was granted, whether or not the applicant was rejected, the date of the action of the board, and such other information as may be deemed necessary by the board. Such record of the board, or a copy thereof, duly certified by the secretary, under seal, shall be admissible

as evidence with the same force and effect as if the original was produced.

Section 9. An application of registration as a professional soil classifier shall be made to the board on a form prescribed by it and shall be accompanied by the application fee fixed by this Act.

An applicant for registration as a professional soil classifier shall have all the following qualifications:

(a) Be of high ethical professional standards.

(b) As a professional soil classifier, be qualified pursuant to either of the following:

(1) A graduate of an approved four-year college curriculum leading to a Bachelor of Science Degree, in which the applicant has majored in a soils curriculum or equivalent; and with a specific record of an additional one year or more of experience in soil classification of a grade and character which indicates to the board that the applicant may be competent to practice as a soil classifier; and be otherwise qualified. Teaching soil classification courses in a college or university offering an approved four-year soil science or agronomic curriculum should be considered as experience in soil investigations;

(2) A graduate of any approved four-year college curriculum, leading to a Bachelor of Science Degree; and with a specific record of an additional two years or more experience in soil classification of a grade and character which indicates to the board that the applicant may be competent to practice as a soil classifier; and be otherwise qualified.

(c) Sit for and pass an examination before the board or its authorized representatives. Such examination will be held at certain specified times and of such scope as prescribed by the board.

Generally, the examinations shall test the applicant's knowledge basic to soil classification and his ability to apply that knowledge and to assume responsible charge in the professional practice of classification.

An applicant failing in an examination may be examined again upon filing a new application and the payment of the application fee fixed by this Act.

The board, upon application therefor on its prescribed form and upon the payment and registration fees fixed by this Act, may issue a certificate as a registered professional soil classifier without written examination to any person holding a certificate as a registered professional soil classifier issued to him by any state or country having

similar requirements, when the applicant's qualifications meet the other requirements of this Act and the rules established by the board.

A qualified professional soil classifier practicing soil classification at the time of the effective date of this Act may be certified upon approval of the board, if he applies to the board prior to one year after enactment.

In determining the qualifications of an applicant for certification, a majority vote of the board is required.

An applicant who has passed the examination or has otherwise qualified as a professional soil classifier upon payment of the registration fee fixed by this Act, shall have a certificate as a registered professional soil classifier.

Any applicant who is denied registration or authorization shall, in writing be so notified and informed of the reason therefor. Within 30 days after receipt of notice, such applicant may make written request to the board for a hearing which, if granted, shall be heard by the board.

Section 10. A certificate as a registered professional soil classifier expires at 12:00 p.m. on September 30th of each even-numbered year. A certificate may be renewed by applying to the board in writing prior to the expiration date and by paying the renewal fee prescribed by this Act.

Section 11. Certificates as a registered professional soil classifier which are not renewed within five years after expiration may not be renewed, restored, reinstated or reissued thereafter. The holder of such certificate may apply for and obtain a new certificate if:

(a) No fact, circumstance or condition exists which, if the certificate was issued, would justify its revocation or suspension;

(b) He takes and passes the examination which would be required of him if he were then applying for the certificate for the first time.

Section 12. The amount of the fees prescribed by this Act shall be fixed by the board in accordance with the following schedule:

(a) The fee for filing each application for certification as a registered professional soil classifier shall be set by the board;

(b) Renewal fees for certification as a registered professional soil classifier shall be set by the board.

Section 13. The board may receive and investigate complaints against registered professional soil classifiers and persons granted

temporary authorizations pursuant to this Act and make findings thereon.

Section 14. The board shall have the duty and authority to investigate violations of this Act.

Section 15. It shall be the duty of the respective officers charged with enforcement of laws and ordinances to prosecute all persons charged with the violation of any of the provisions of this Act.

It shall be the duty of the secretary of the board, under the direction of the board, to aid such officers in the enforcement of this Act.

Section 16. Upon one year after enactment, it shall be unlawful for anyone other than a professional soil classifier registered under this Act to sign or endorse as a registered professional soil classifier any plans, specifications, plats, reports, or other documents, or to use in any manner the title "registered professional soil classifier."

Section 17. It is unlawful for anyone to sign or endorse plans, specifications, plats, reports or other documents after the registration of the individual named thereof has expired or has been suspended or revoked, unless the registration has been renewed or reissued.

Section 18. Any person who violates any provision of this Act shall be guilty of a misdemeanor and for each offense for which he is convicted shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the county jail for not more than three months or by both.

Section 19. The secretary of the board shall receive and account for all monies derived under the provisions of this Act. Such monies shall be kept in a separate fund in the State Treasury to be known as the "Soil Classifier's Fund." Such fund shall be kept separate and apart from all other monies and shall be paid out for the expenses and compensation of the board and for enforcing this Act, upon itemized vouchers, approved by the council and attested by the secretary of the board. Under no circumstances shall the total amount of funds disbursed in a given state fiscal year in payment of the expenses and compensation of the board and of enforcing this Act exceed the amount appropriated by the Legislature for the fiscal year.

Section 20. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 21. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 22. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-767

S. 362—Mr. Britnell

AN ACT

To amend Section 33-15-6 of the Code of Alabama 1975, relating to the powers, duties and functions of the Bear Creek Development Authority, so as to authorize the hiring of park rangers to enforce certain rules and regulations including those of Section 33-15-7(c); to give conservation enforcement officers the same authority; and to give said rangers and officers the power and authority of deputy sheriffs over any property owned or under the jurisdiction of the Bear Creek Development Authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 33-15-6 of the Code of Alabama 1975, is hereby amended to read as follows:

“ § 33-15-6. The general powers, duties and functions of the authority shall be as follows:

“(1) GENERAL. — The authority:

“a. Shall have perpetual succession in its corporate name;

“b. May bring civil actions and have civil actions brought against it in its corporate name;

“c. May adopt, use, and alter a corporate seal, which shall be judicially noticed;

“d. May enter into such contracts and cooperative agreements with federal, state and local governments, with agencies of such governments and with private individuals, corporations, associations and other organizations, including the Bear Creek Watershed Association, Inc., whether organized under the laws of Alabama or of another state, as the board may deem necessary or convenient to enable it to carry out the purposes of this article, which authorization shall include without limitation contracts and cooperative arrangements with any of the several states and with counties and municipalities in and agencies of such states;

“e. May adopt, amend and repeal bylaws;

“f. May appoint managers, officers, employees, attorneys and

agents as the board deems necessary for the transaction of its business, fix their compensation, define their duties, and require bonds of such of them as the board may determine, the salaries of any such employees to be paid out of such funds as may be available to the authority from any source;

“g. May institute legal proceedings in any court of competent jurisdiction and proper venue; provided, that no civil action may be brought against the authority nor may the authority be subjected to a counterclaim or cross-claim in any court other than the courts of Franklin County, Alabama; and provided further, that no civil action may be brought against the officers, directors, agents or employees of the authority nor may they or any of them be subjected to a counterclaim or cross-claim for actions in behalf of the authority in any court other than the courts of Franklin County, Alabama; and provided further, that no claim or cause of action, based wholly or in part upon allegations which call into question the validity of the authority, shall be heard or adjudicated in any court other than the courts of Franklin County, Alabama; and

“h. May appoint park rangers to enforce rules and regulations including those of Section 33-15-7(c) in regard to property owned or under the jurisdiction of the Bear Creek Development Authority; to grant this authority to any conservation enforcement officer; and to give said rangers and officers the power and authority of deputy sheriffs to arrest without warrant and carry before the district court of the county which has jurisdiction over the Bear Creek Development Authority any person violating any of the laws of this state or the rules and regulations prescribed by the Bear Creek Development Authority while on the property of such authority.

“(2) FORMULATION AND EXECUTION OF DEVELOPMENT PLANS. — The Authority is authorized to:

“a. Investigate the resources of the Bear Creek watershed and determine the requirements for its full development and for control and development of its stream system as an integral part of the economy of the area;

“b. Develop and carry out a unified, comprehensive program of resource development designed to encourage and assist the economic growth of the area, which program shall not be inconsistent with official programs for statewide economic development;

“c. Provide for the construction of water control structures, channel improvements and other facilities for navigation, drainage, irrigation, water conservation and supply, industrial development, recreation and related purposes, as a part of comprehensive plans;

"d. Arrange with the state and with any city, county, municipality or supplier of utilities for the abandonment, relocation or other adjustments of roads, highways, bridges and utility lines; and

"e. In making investigations and in formulating and executing development plans, seek and utilize the assistance of appropriate federal, state and local agencies and of private citizens and citizen organizations and, in aid of such activities, accept loans, grants or other assistance from federal, state and local governments or from agencies of such governments, and make contracts and execute instruments containing such terms, provisions and conditions as the board in its discretion deems to be necessary, proper or advisable for the purpose of obtaining such loans, grants or other assistance.

"(3) LAND ACQUISITION. — The authority may acquire by purchase, construction, lease, gift, condemnation or otherwise property of any kind, real, personal or mixed, or any interest therein, that the board deems necessary or convenient to the exercise of its powers or functions; provided, that acquisition by condemnation shall be limited to lands, rights in land, including leaseholds and easements, and water rights in the Bear Creek watershed that the board determines to be necessary to the control and optimum development of Bear Creek and its tributaries, including such lands adjacent to or in the immediate vicinity of water control reservoirs as the board determines to be necessary to assure full development and optimum use of such reservoirs for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes. The amount and character of the interests in land, rights in land and water rights to be acquired in such area shall be determined by the board of directors, and its determination shall be conclusive. The authority's power of eminent domain may be exercised under Title 18 of this Code and any amendments thereto or pursuant to any other general statutory provisions hereafter enacted for the exercise of the power of eminent domain. The authority is expressly authorized to acquire by condemnation or otherwise and hold for resale or lease to private or other industrial organizations land or interests in land in the Alabama portion of the Bear Creek watershed that it determines to be suitable for industrial uses, and such acquisition is hereby declared to be for the public purpose of the state's industrial development and for the increase of industrial employment opportunities.

"(4) MANAGEMENT AND OPERATION. — The authority may:

"a. Enter into contracts with the United States, with the several states and with individuals, private corporations, associations, municipalities and other public agencies or political subdivisions of any kind, for the sale of water for municipal, domestic, agricultural or industrial

use, or for the sale of any other services, facilities or commodities that the authority may be in a position to supply;

“b. Acquire and develop reservoirs and shoreline lands and provide for their operation for industrial, recreational and other uses directly or by concessionaires, licensees, lessees or venders of shoreline lands;

“c. Sell or lease shoreline lands, or any interest therein, in connection with development of the stream system, for uses consistent with the authority’s development plan and subject to such restrictions as the authority deems necessary for reservoir protection and subject to such requirements as to character of improvements and activities and the time within which such improvements or activities shall be undertaken as the authority deems appropriate to its overall development plan;

“d. Acquire or operate shoreline lands of reservoirs owned by the United States of America as the agent of the federal agency having custody and control thereof under appropriate agreements with such agencies;

“e. Acquire, construct or operate such other facilities or works of improvement as are necessary to effectuate plans for the comprehensive development of the area;

“f. Make and enforce reasonable rules and regulations governing the use of any facilities and other property owned, controlled or operated by the authority;

“g. Provide for such insurance as the board may deem advisable; and

“h. Fix and revise from time to time reasonable rates, fees and other charges for the sale of water for municipal, domestic, agricultural or industrial use, or for the sale of any other services, facilities or commodities that the authority may be in a position to supply.

“(5) FINANCING. — The authority may:

“a. Sell and issue its bonds from time to time in order to provide funds for any corporate function, use or purpose, all such bonds to be payable solely out of the revenues derived from the facilities and other property of the authority or out of the revenues of any particular facilities and other property of the authority; and

“b. Secure such bonds by a pledge of all or any of the revenues which may now or hereafter come to the authority from any source, by a mortgage or deed of trust covering the authority’s land or any part thereof, or under the provisions of a trust indenture, or by a

combination of one or more thereof; provided, that all obligations created or assumed and all bonds issued by the authority shall be solely and exclusively obligations of the authority and shall not create an obligation or debt of the state or of any county or municipality."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-768

S. 383—Mr. Weeks

AN ACT

To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the alcoholic beverage control board; to prohibit and make unlawful delivery of alcoholic beverages from without the state to within the state, except to the Alabama alcoholic beverage control board and its licensed manufacturers, importers, wholesalers and to warehouses; to provide for punishment therefor; and to repeal laws or parts of laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for common or permit carriers, operators of trucks, buses or other conveyances or out-of-state manufacturers or suppliers to make delivery of any alcoholic beverage from without the state of Alabama to any person, association or corporation within the state, except to the Alabama alcoholic beverage control board and to manufacturers, importers, wholesalers and warehouses licensed by the Alabama alcoholic beverage control board to receive the alcoholic beverages so delivered.

Section 2. Any violation of Section 1 of this Act shall be a misdemeanor, punishable as provided in Section 25, Subsection (B) (1) of the Alcoholic Beverage Licensing Code, being Act No. 80-529, Acts of Alabama 1980 and now appearing as § 28-3A-25 (b) (1), Code of Alabama 1975.

Section 3. The words and phrases used in this Act shall have the meanings ascribed to them in Section 2 of the Alcoholic Beverage Licensing Code, being Act No. 80-529, Acts of Alabama 1980, and now appearing as § 28-3A-2, Code of Alabama 1975, and any acts amendatory thereof, supplementary thereto or substituted therefor.

Section 4. All laws or parts of law which conflict or are incon-

sistent with this Act are hereby repealed provided however the provisions of Act # 80-793 are excluded.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-769

S. 419—Mr. White

AN ACT

To define and regulate self-service facilities; to provide for a lien on property stored in such facilities; and to provide for the enforcement of said lien.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known and may be cited as the “Self-Service Storage Act.”

Section 2. For purposes of this act, the following words and phrases shall have the respective meanings ascribed by this section:

(a) “Default” means the failure to perform in a timely manner any obligation or duty set forth in this act or the rental agreement.

(b) “Last known address” means that address provided by the occupant in the latest rental agreement or the address provided by the occupant in a subsequent written notice of a change of address.

(c) “Leased space” means the individual storage space at the self-service storage facility which is leased or rented to an occupant pursuant to a rental agreement.

(d) “Occupant” means a person or entity or his sublessee, successor, or assign, entitled to the use of a storage space at a self-service storage facility, under a written rental agreement with the owner, to the exclusion of others.

(e) “Owner” means the owner, operator, lessor, or sublessor of a self-service storage facility, his agent, or any other person authorized by him to manage the facility or to receive rent from an occupant under a rental agreement.

(f) “Personal property” means movable property not affixed to land and includes, but is not limited to, goods, merchandise, and household items.

(g) "Rental agreement" means any written agreement or lease which establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy at a self-service storage facility and which contains a notice stating that all articles stored under the terms of such agreement will be sold or otherwise disposed of if no payment has been received for a continuous thirty-day period. Such agreement shall contain a provision directing the occupant to disclose any lienholders with an interest in property that is stored or will be stored in such self-service storage facility.

(h) "Self-service storage facility" means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such facility for the purpose of storing and removing personal property. No occupant shall use a self-service storage facility for residential purposes. A self-service storage facility is not a public warehouse as used in Section 8-15-1 et seq., Code of Alabama 1975. If an owner issues any warehouse receipt, bill of lading, or other document of title for the personal property stored, the owner and the occupant are subject to the provisions of the Uniform Commercial Code, Section 7-7-101, et seq., Code of Alabama 1975, and the provisions of this act shall not apply.

Section 3. Unless the rental agreement specifically provides otherwise, the exclusive care, custody and control of any and all personal property stored in the leased space shall remain vested in the occupant; and the occupant shall bear all risks of loss or damage to such personal property.

Section 4. Lien. Where a rental agreement, as defined in Section 2, subsection (g) of this act is entered into between the owner and the occupant, the owner of a self-service storage facility and his heirs, executors, administrators, successors, and assigns shall have a lien upon all personal property located at a self-service storage facility for rent, labor, or other charges, present or future, in relation to the personal property and for expenses necessary for its preservation or expenses reasonably incurred in its sale or other disposition pursuant to this act. The lien attaches as of the date the personal property is brought to the self-service storage facility and continues so long as the owner retains possession and until the default is corrected, or a sale is conducted, or the property is otherwise disposed of to satisfy the lien. The lien provided for in this section is superior to any other lien or security interest, except for any tax lien as otherwise provided by law. Notice to perfected security interests under the Uniform Commercial Code, with the name of the occupant as debtor, is required before a sale.

Section 5. An owner's lien as provided for a claim which has become due may be satisfied as follows:

(a) No enforcement action shall be taken by the owner until the occupant has been in default continuously for a period of thirty days.

(b) Prior to taking enforcement action pursuant to this section, the owner shall determine whether a financing statement has been filed in accordance with the Uniform Commercial Code of Alabama, concerning the property to be sold or otherwise disposed of, with the Secretary of State, in the county where the self-service storage facility is located and in the county of the occupant's last-known address.

(c) After the occupant has been in default continuously for a period of thirty days, the owner may begin enforcement action if the occupant has been notified in writing. Said notice shall be delivered in person or sent by certified or registered mail to the last-known address of the occupant. Any lienholder with an interest in the property to be sold or otherwise disposed of, of whom the owner has knowledge either through the disclosure provision on the rental agreement or through finding a validly filed financing statement in the Secretary of State's office, shall be included in the notice process as provided in this section.

(d) The owner shall have the right to deny the occupant access to the leased space and the owner may enter and/or remove the personal property from the leased space to other suitable storage space pending its sale or other disposition.

(e) The notice required by this section shall include:

(i) An itemized statement of the owner's claim showing the sum due at the time of the notice and the date when the sum became due;

(ii) A brief and general description of the personal property subject to the lien. Such description shall be reasonably adequate to permit the person notified to identify such property; except that any container including, but not limited to, a trunk, valise, or box that is locked, fastened, sealed, or tied in a manner which deters immediate access to its contents may be described as such without describing its contents.

(iii) A notification of denial of access to the personal property, if such denial is permitted under the terms of the rental agreement, which notification shall provide the name, street address, and telephone number of the owner or his designated agent whom the occupant may contact to respond to such notification;

(iv) A demand for payment within a specified time, not less than fifteen days after delivery of the notice;

(v) A conspicuous statement that, unless the claim is paid

within the time stated in the notice, the personal property will be advertised for sale or other disposition and will be sold or otherwise disposed of at a specified time and place.

(f) Any notice made pursuant to this section shall be presumed delivered when it is deposited with the United States postal service and properly addressed with postage prepaid.

(g) After the expiration of the time given in the notice, an advertisement of the sale or other disposition shall be published once a week for two consecutive weeks in a newspaper of general circulation in the county where the self-service storage facility is located. The advertisement shall include:

(i) A brief and general description of the personal property reasonably adequate to permit its identification as provided in subparagraph (ii) of paragraph (d) of this section; the address of the self-service storage facility and the number, if any, of the space where the personal property is located; and the name of the occupant and his last-known address;

(ii) The time, place, and manner of the sale or other disposition. The sale or other disposition shall take place not sooner than fifteen days after the first publication.

(h) If there is no newspaper of general circulation in the county where the self-service storage facility is located, the advertisement shall be posted at least ten days before the date of the sale or other disposition in not less than six conspicuous places in the neighborhood where the self-service storage facility is located.

(i) Any sale or other disposition of the personal property shall conform to the terms of the notification as provided for in this section.

(j) Any sale or other disposition of the personal property shall be held at the self-service storage facility or at the nearest suitable place where the personal property is held or stored. The property may be sold singly, in lots, or as a whole. Bids may be sealed or open.

(k) Before any sale or other disposition of personal property pursuant to this section, the occupant may pay the amount necessary to satisfy the lien and the reasonable expenses incurred under this section and thereby redeem the personal property. Upon receipt of such payment, the owner shall return the personal property, and thereafter the owner shall have no liability to any person with respect to such personal property.

(l) A purchaser in good faith of the personal property sold to satisfy a lien as provided in this act takes the property free of any rights of persons against whom the lien was valid, despite noncom-

pliance by the owner with the requirements of this section.

(m) In the event of a sale under this section, the owner may satisfy his lien from the proceeds of the sale. The lien rights of secured lienholder(s) are automatically transferred to the remaining proceeds of the sale. If the sale is made in good faith and is conducted in a commercially reasonable manner, the owner shall not be subject to any liability for a deficiency if the amount realized at sale does not satisfy any secured lien, but shall hold the balance, if any, for delivery to the occupant, lienholder, or other person in interest. If the occupant, lienholder, or other person in interest does not claim the balance of the proceeds within three years of the date of sale, it shall become the property of the owner without further recourse by the occupant, lienholder, or other person in interest.

(n) If the requirements of this act are not satisfied, if the sale of the personal property is not in conformity with the notice of sale, or if there is a willful violation of this act, nothing in this section affects the rights and liabilities of the owner, occupant or any other person.

Section 6. Each owner acting pursuant to this act shall keep posted in a prominent place in his office at all times a notice which shall read as follows:

“All articles stored by a rental agreement, and charges not having been paid for thirty days, will be sold or otherwise disposed of to pay charges.”

Section 7. Nothing in this act shall be construed as in any manner impairing or affecting the right of the parties to create additional rights, duties, and obligations in and by virtue of the rental agreement. The rights provided by this act shall be in addition to all other rights allowed by law to a creditor against his debtor.

Section 8. The rights provided by this section shall be in addition to all other rights allowed by law to a creditor against his debtor and by a landlord against his tenant.

Section 9. The provisions of this act shall apply to all rental agreements entered into or extended or renewed after the effective date of this act.

Section 10. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act. No. 81-770

S. 561—Messrs. deGraffenried and Callahan

AN ACT

To create the Mental Health Capital Outlay Oversight Commission; to prescribe the composition and appointment of the membership and terms of office; to prescribe the Commission's powers and duties; to provide for the election of a chairman and vice chairman of the Commission and its organization, meetings and conduct of business; to make an absolute supplemental appropriation from the general fund of the state treasury, to the Department of Mental Health for capital outlay purposes and to prescribe the conditions of release therefor; and to provide for legislative compensation, per diem and travel expenses.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the Mental Health Capital Outlay Oversight Commission to consist of the Lieutenant Governor, Speaker of the House, Governor, Finance Director, the State Mental Health Officer, and six members each from the House of Representatives and Senate, appointed by the Speaker of the House and Lieutenant Governor, respectively. The members so appointed shall serve until their successors are appointed at the next regular session of the legislature following the regular session in which they were elected. In the event of the death or resignation of any member appointed from the Senate or the House of Representatives his successor shall be appointed from the same body and such successor appointed to the vacancy shall serve for the unexpired term remaining of the member he was appointed to succeed. The original members shall serve until the end of their elected terms. Each subsequent appointment shall be for the full four-year legislative term. A chairman and vice chairman shall be elected from among its members. The Commission shall hold an organizational meeting at the state capital within ten (10) days after the effective date of this act. Thereafter the Commission shall meet, from time to time, at the call of the chairman, vice chairman, or upon the request of five or more members, with notice and procedure as prescribed by the rules of the Commission. The Commission shall adopt its own rules of procedure and transaction of business, except as otherwise herein provided.

Section 2. A majority of the members shall constitute a

quorum for the purpose of transacting any business or the performance of any authorized duties. Each of the ex officio and appointed members shall have voting privileges.

Section 3. The Commission shall approve and supervise any capital outlay or capital improvement for the Department of Mental Health made pursuant to the provisions of this act.

Section 4. The sum of sixty five million dollars (\$65,000,000), or so much thereof as may become available, as herein provided, is hereby appropriated from the general fund of the state treasury, to the use of the Department of Mental Health for capital outlays and capital improvements. Such appropriation shall be released only upon resolution duly adopted by the Commission, recommending and ordering the transfer, the use or expenditure of the amount, and upon the terms so recommended; and the State Comptroller shall draw a warrant in such amount and for such purposes upon receipt of a certified copy of the resolution signed by the chairman or vice chairman. These monies shall remain in the General Fund until such time as said Commission authorizes all or parts of the aforementioned appropriation. All interest accrued from these funds shall remain in the General Fund. Any monies remaining from the aforementioned appropriation not authorized for release by the Commission as of October 1, 1983 shall revert to the General Fund. Such supplemental appropriations made pursuant to this act shall be in addition to any other appropriation heretofore or hereinafter provided by law for the Department of Mental Health.

Section 5. The commission shall keep full and complete minutes in writing of its proceedings and every action taken shall be by written resolution.

Section 6. Each legislative member of the Commission shall be entitled to his regular legislative compensation, per diem and travel expenses for each day he attends a meeting or conducts business of the Commission which shall be paid out of any funds herein appropriated, on warrants drawn on the State Comptroller upon requisition signed by the Commission's chairman or vice chairman.

Section 7. It is the intent of the legislature that funds accruing to the state from oil and gas leases, although co-mingled with other funds in the general fund of the state treasury for investment purposes, shall be considered a separate fund for purposes of appropriations. All principal and interest accruing from the leases shall remain in the state treasury until specifically and unconditionally appropriated by the legislature. It is further the intent of the legislature that funds appropriated in this bill shall come from said oil and gas lease funds.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-771

S. 666—Mr. Britnell

AN ACT

To authorize the Franklin County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Franklin County is authorized, when the need exists, to provide protection against forest fires in Franklin County by participating in the Alabama Forestry Commission's fire protection program in the manner hereinafter specified.

Section 2. (a) The Legislature having found and determined that such a need does exist in Franklin County, the Legislature does, in the manner hereinafter specified, provide for a financial charge or tax to be paid by the owners of forest lands located in Franklin County for the use of the land for timber growing purposes amounting to the whole or any part of the cost of such fire protection program, in an amount of ten cents per acre.

(b) "Forest lands" as used in this act, shall mean any land which supports a forest growth, or which under prevailing natural and economic conditions may be expected to support such a growth in the future, or which is being used or reserved for any purpose. "Forest lands" as used in this act, shall not include any lands primarily used for residential purposes nor shall it include any publicly owned lands.

Section 3. Any such financial charge or tax fixed as provided in the above section shall be payable at the same time and in the

same manner as county taxes and the owners of the forest lands, as herein defined, shall make report of same to the tax assessor of Franklin County at the time fixed by law for making return of the property of such property owner. Financial charges or taxes levied shall constitute a lien on the property against which they are charged or taxed.

Section 4. The county commission of Franklin County is authorized to appoint agents and delegate authority to individuals to search out forest lands in Franklin County, determine the area and owners thereof, and report same to the Tax Assessor of Franklin County who shall be authorized, after notice by certified mail to such owners to place said financial charge or tax against said forest lands as may be determined by the report of such agents or the determination of said county commission.

Section 5. All monies accruing to Franklin County shall be placed in the general fund of the county and shall only be spent by the county commission in participating in the Alabama Forestry Commission's forest fire protection program in Franklin County.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-772

S. 30—Mr. Kirkland

AN ACT

To recognize the right of an adult person to make a written directive instructing his physician to withhold life-sustaining procedures in the event of a terminal condition; to prescribe the procedure for executing such directive.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known and may be cited as the Natural Death Act.

Section 2. The legislature finds that adult persons have the fundamental right to control the decisions relating to the rendering

of their own medical care, including the decision to have life-sustaining procedures withheld or withdrawn in instances of a terminal condition.

In order that the rights of patients may be respected even after they are no longer able to participate actively in decisions about themselves, the legislature hereby declares that the laws of this state shall recognize the right of an adult person to make a written declaration instructing his or her physician to withhold or withdraw life-sustaining procedures in the event of a terminal condition.

Section 3. As used in this act:

(a) "Attending physician" means the physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

(b) "Declaration" means a witnessed document in writing, voluntarily executed by the declarant in accordance with the requirements of Section 4.

(c) "Life-sustaining procedure" means any medical procedure or intervention which, when applied to a qualified patient, would serve only to prolong the dying process and where, in the judgment of the attending physician, death will occur whether or not such procedure or intervention is utilized. "Life-sustaining procedure" shall not include the administration of medication or the performance of any medical procedure deemed necessary to provide comfort care or to alleviate pain.

(d) "Physician" means a person licensed to practice medicine and osteopathy in the State of Alabama.

(e) "Qualified patient" means a patient, who has executed a declaration in accordance with this act and who has been diagnosed and certified in writing to be afflicted with a terminal condition by two physicians who have personally examined the patient, one of whom shall be the attending physician.

(f) "Terminally ill or injured patient" means a patient whose death is imminent or whose condition is hopeless unless he or she is artificially supported through the use of life-sustaining procedures.

Section 4. (a) Any adult person may execute a declaration directing the withholding or withdrawal of life-sustaining procedures in a terminal condition. The declaration made pursuant to this act shall be: (1) In writing; (2) signed by the person making the declaration, or by another person in the declarant's presence and by the declarant's expressed direction; (3) dated; and (4) signed in the presence of two or more witnesses at least nineteen (19) years of age

neither of whom shall be the person who signed the declaration on behalf of and at the direction of the person making the declaration, related to the declarant by blood or marriage, entitled to any portion of the estate of the declarant according to the laws of intestate succession of this state or under any will of the declarant or codicil thereto, or directly financially responsible for declarant's medical care. The declaration of a qualified patient diagnosed as pregnant by the attending physician shall have no effect during the course of the qualified patient's pregnancy.

(b) It shall be the responsibility of declarant to provide for notification to his or her attending physician of the existence of the declaration. An attending physician who is so notified shall make the declaration, or a copy of the declaration, a part of the declarant's medical records.

(c) The declaration shall be substantially in the following form, but in addition may include other specific directions. Should any of the other specific directions be held to be invalid, such invalidity shall not affect other directions of the declaration which can be given effect without the invalid direction, and to this end the directions in the declaration are severable.

DECLARATION

Declaration made this _____ day of _____ (month, year). I, _____, being of sound mind, willfully and voluntarily make known my desires that my dying shall not be artificially prolonged under the circumstances set forth below, do hereby declare:

If at any time I should have an incurable injury, disease, or illness certified to be a terminal condition by two physicians who have personally examined me, one of whom shall be my attending physician, and the physicians have determined that my death will occur whether or not life-sustaining procedures are utilized and where the application of life-sustaining procedures would serve only to artificially prolong the dying process, I direct that such procedures be withheld or withdrawn, and that I be permitted to die naturally with only the administration of medication or the performance of any medical procedure deemed necessary to provide me with comfort care.

In the absence of my ability to give directions regarding the use of such life-sustaining procedures, it is my intention that this declaration shall be honored by my family and physician(s) as the final expression of my legal right to refuse medical or surgical treatment and accept the consequences from such refusal.

I understand the full import of this declaration and I am emotionally and mentally competent to make this declaration.

Signed _____

City, County and State of Residence _____

Date _____

The declarant has been personally known to me and I believe him or her to be of sound mind. I did not sign the declarant's signature above for or at the direction of the declarant. I am not related to the declarant by blood or marriage, entitled to any portion of the estate of the declarant according to the laws of intestate succession or under any will of declarant or codicil thereto, or directly financially responsible for declarant's medical care.

Witness _____

Witness _____

Date _____

Section 5. (a) A declaration may be revoked at any time by the declarant by any of the following methods:

(1) By being obliterated, burnt, torn, or otherwise destroyed or defaced in a manner indicating intention to cancel;

(2) By a written revocation of the declaration signed and dated by the declarant or person acting at the direction of the declarant; or

(3) By a verbal expression of the intent to revoke the declaration, in the presence of a witness nineteen (19) years of age or older who signs and dates a writing confirming that such expression of intent was made. Any verbal revocation shall become effective upon receipt by the attending physician of the above mentioned writing. The attending physician shall record in the patient's medical record the time, date and place of when he or she received notification of the revocation.

(b) There shall be no criminal or civil liability on the part of any person for failure to act upon a revocation made pursuant to this section unless that person has actual knowledge of the revocation.

Section 6. An attending physician who has been notified of the existence of a declaration executed under this act, without delay after the diagnosis of a terminal condition of the declarant, shall take the necessary steps to provide for written certification and confirmation of the declarant's terminal condition, so that declarant may be deemed to be a qualified patient under this act.

Section 7. The desires of a qualified patient shall at all times supersede the effect of the declaration.

If the qualified patient is incompetent at the time of the decision to withhold or withdraw life-sustaining procedures, a declaration executed in accordance with Section 4 of this act is presumed to be valid. For the purpose of this act, a physician or medical care facility may presume in the absence of actual notice to the contrary that an individual who executed a declaration was of sound mind when it was executed. The fact of an individual's having executed a declaration shall not be considered as an indication of a declarant's mental incompetency. Age of itself shall not be a bar to a determination of competency.

No physician, licensed health care professional, medical care facility or employee thereof who in good faith and pursuant to reasonable medical standards causes or participates in the withholding or withdrawing of life-sustaining procedures from a qualified patient pursuant to a declaration made in accordance with this act shall, as a result thereof, be subject to criminal or civil liability, or be found to have committed an act of unprofessional conduct.

Section 8. (a) An attending physician who refuses to comply with the declaration of a qualified patient pursuant to this act shall not be liable for his refusal, but shall permit the qualified patient to be transferred to another physician.

(b) Any person who willfully conceals, cancels, defaces, obliterates or damages the declaration of another without such declarant's consent or who falsifies or forges a revocation of the declaration of another shall be guilty of a class A misdemeanor.

(c) Any person who falsifies or forges the declaration of another, or willfully conceals or withholds personal knowledge of the revocation of a declaration, with the intent to cause a withholding or withdrawal of life-sustaining procedures contrary to the wishes of the declarant, and thereby, because of such act, directly causes life-sustaining procedures to be withheld or withdrawn and death to be hastened, shall be guilty of a class C felony.

Section 9. (a) The withholding or withdrawal of life-sustaining procedures from a qualified patient in accordance with the provisions of this act shall not, for any purpose, constitute a suicide and shall not constitute assisting suicide.

(b) The making of a declaration pursuant to Section 4 shall not affect in any manner the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance shall be legally impaired or invalidated in any manner by the withholding or withdrawal of life-sustaining procedures from an insured qualified patient, notwithstanding any term of the policy to the contrary.

(c) No physician, medical care facility, or other health care provider, and no health care service plan, health maintenance organization, insurer issuing disability insurance, self-insured employee welfare benefit plan, nonprofit medical service corporation or mutual nonprofit hospital hospital service corporation shall require any person to execute a declaration as a condition for being insured for, or receiving, health care services.

(d) Nothing in this act shall impair or supersede any legal right or legal responsibility which any person may have to effect the withholding or withdrawal of life-sustaining procedures in any lawful manner. In such respect the provisions of this act are cumulative.

(e) This act shall create no presumption concerning the intention of an individual who has not executed a declaration to consent to the use or withholding of life-sustaining procedures in the event of a terminal condition.

Section 10. Nothing in this act shall be construed to condone, authorize or approve mercy killing or to permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying as provided in this act.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are hereby repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-773

S. 243—Mr. Teague

AN ACT

Relating to the Public Service Commission; amending Section 37-1-11 of the Code of Alabama 1975, relating to compensation for the president and associate commissioners so as to further provide therefor; providing for expense allowances for such officials payable from the general fund of the state treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 37-1-11 of the Code of Alabama 1975 is amended to read as follows:

“§ 37-1-11.

“The president of such Commission shall receive a salary of \$18,500.00, and each of the associate commissioners shall receive a salary of \$18,000.00 per annum. In addition to the salaries, the president shall receive a monthly expense allowance of \$1,200 per month and each associate commissioner shall receive a monthly expense allowance of \$1,000 per month. The expense allowance shall be payable from the funds already appropriated to the Public Service Commission and shall terminate for each such official at the expiration of the respective current terms of office. Thereafter, the annual salary of the president shall be \$40,500.00 and the annual salary for each associate commissioner shall be \$40,000.00. Such salary and expense allowance during the current terms and the salary thereafter shall be the entire compensation of the officer for the performance of the duties of his office, and all ex officio duties of the office, and shall be paid from the state treasury in the manner prescribed by law.”

Section 2. No present member of the commission shall have his salary reduced as a result of this Act.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-774

S. 259—Mr. Taylor

AN ACT

To amend Section 22-18-2 of the Code of Alabama 1975 so as to exempt businesses or companies that provide free ambulance service to their employees from certain requirements in the operation of ambulances.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-18-2 of the Code of Alabama 1975 is hereby amended to read as follows:

“§ 22-18-2. The provisions of this chapter shall not apply to volunteer rescue squads that are members of the Alabama Association of Rescue Squads, Inc. and which furnish ambulance service to the public; nor shall the provisions of this chapter apply to businesses or companies which provide free ambulance service to their employees; nor shall the provisions of this chapter apply to or govern ambulances owned by the county, a municipality or any other political subdivision of the state, nor to the drivers of or attendants on such ambulances in Marengo county. The governing body of such county is hereby authorized to prescribe rules and regulations governing ambulance drivers and ambulance attendants, including rules and regulations for their training and qualifications.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981.

Time: 9:00 A.M.

Act No. 81-775

S. 461—Mr. Teague

AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama, be, and the same are hereby extended, altered, and rearranged so as to include within the corporate limits of said Town all of the following described territory:

The Southwest Quarter (SW 1/4) of Section 24: The North Three-quarters of the Northwest Quarter (N 3/4 of NW 1/4) of Section 25: The North Half (N 1/2) of Section 26: The Southwest Quarter (SW 1/4) of Section 30: The West Quarter of the Northwest Quarter of the Southwest Quarter (NW 1/4 of SW 1/4) of Section 31: The Southeast Quarter (SE 1/4) of Section 34: All in Township 16 South, Range 5 East.

The South Half (S 1/2) of Section 25: All in Township 16 South, Range 4 East.

The Northeast Quarter of the Northwest Quarter (NE 1/4 of NW 1/4) of Section 5: The Northwest Quarter (NW 1/4) of Section 6: The North Half of the South Half (N 1/2 of S 1/2 of Section 7: All in Township 17 South, Range 5 East.

The Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE 1/4 of NE 1/4 of SE 1/4) of Section 11: The South Half of the Northwest Quarter (S 1/2 of NW 1/4) and the North Half of the Southwest Quarter (N 1/2 of SW 1/4) of Section 12: The West Half of the Southeast Quarter (W 1/2 of SE 1/4) and the Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4 of Section 12: All in Township 17 South, Range 4 East.

However, the lands brought within the corporate limits of the Town of Lincoln by this Act shall not include any lands which are part of or included within the boundaries of any hydro electric reservoir project licensed by the Federal Energy Regulatory Commission or any predecessor agency.

Section 2. That all farm lands annexed by this Act shall be exempt from an valorem taxation by the Town of Lincoln during the time such land is used for farming purposes.

Section 3. The police jurisdiction of said town shall not extend to or be operative in any of the following described territory, and such territory is excluded from any such police jurisdiction which otherwise would have been created by this act, or which was created by any previous act of the Alabama Legislature:

All of Section 1 South of U. S. Interstate Highway 20, all of the East Half of Section 2 South of Speedway Boulevard (Talladega County Road 114), all of the East Half of Section 11, and all of Section 12, all in Township 17 South, Range 5 East:

All of Section 6 South of U.S. Interstate Highway 20, and all of Section 7, all in Township 17 South, Range 6 East.

Section 4. The provisions of this act are not severable. If any portion of this act is held to be unlawful or unconstitutional for any reason, the entire act shall be void and of no effect.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-776

S. 588—Mr. McDonald

AN ACT

Relating to franchise agreements between retailers engaged in the business of selling and retailing farm implements, machinery, utility and industrial equipment, attachment or repair parts, and wholesalers, manufacturers or distributors therefor; requiring repurchase of certain inventory, stock and equipment from such retailers upon termination of a contract between the retailer and wholesalers, manufacturers, or distributors as the case may be; providing procedures for such repurchase; establishing limitations and rights upon such repurchase; providing civil liability for failure to repurchase; extending the right to require repurchase option to the heirs of retailers; providing for warranty claims; providing for contractual rights and indemnification; providing for auditing and prescribing time limits therefore and for collections and specifically repealing certain conflicting provisions in the definition of "motor vehicle" in Section 3 of Act No. 81-390, H. 503, of the 1981 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purpose of this act, the following words and phrases have the following meanings unless the context otherwise requires:

(a) "Current Model" shall mean a model listed in the wholesaler's, manufacturer's, or distributor's current sales manual or any supplements thereto.

(b) "Current net price" shall mean the price listed in the wholesaler's, manufacturer's or distributor's price list or catalogue in effect at the time the contract is cancelled or discontinued, less any applicable trade and cash discounts.

(c) "Retailer" shall mean any person, firm or corporation engaged in the business of selling and retailing farm implements, machinery, utility and industrial equipment, attachments or repair parts, but shall not include retailers of petroleum and motor vehicle and related automotive care and replacement products normally sold by such retailers and shall not include retailers of yard and garden equipment not primarily engaged in the farm equipment business. The term retailer shall also include any person engaged in the aforementioned business, his heirs, personal representative, or his guardian and/or the major stockholder of the aforementioned business.

(d) "Inventory" shall mean farm implements, machinery, utility and industrial equipment, attachments and repair parts.

(e) "Net Cost" means the price the retailer paid for the merchandise to the wholesaler, manufacturer or distributor, less all applicable discounts allowed, plus the freight costs from the wholesaler, manufacturer or distributor location to the retailer's location plus reasonable cost to assemble and/or disassemble.

Section 2. Whenever any retailer enters into a franchise agreement, evidenced by a written contract, with a wholesaler, manufacturer or distributor wherein the retailer agrees to maintain an inventory and the contract is terminated, then the wholesaler, manufacturer, or distributor shall repurchase the inventory as provided in this act. The retailer may keep the inventory if he desires. If the retailer has any outstanding debts to the wholesaler, manufacturer or distributor, then the repurchase amount may be credited to the retailer's account.

Section 3. The wholesaler, manufacturer or distributor shall repurchase that inventory previously purchased from him and held by the retailer on the date of termination of the contract. The wholesaler, manufacturer or distributor shall pay one hundred percent (100%) of the current net cost of all new, unsold, undamaged and complete farm implements, machinery, utility and industrial equipment, and attachments, one hundred percent (100%) of the current net price of all new, unused, undamaged repair parts and 85% on net price of superseded parts. The wholesaler, manufacturer or distributor shall pay the retailer five percent (5%) of the current net price on all new, unused and undamaged repair parts returned to cover the cost of handling, packing and loading. The wholesaler, manufacturer or distributor shall have the option of performing the handling, packing and loading in lieu of paying the five percent (5%) for these services.

Section 4. Upon payment within a reasonable time of the repurchase amount to the retailer, the title and right of possession to the repurchased inventory shall transfer to the wholesaler, manufacturer or distributor, as the case may be.

Section 5. The provisions of this act shall not require the repurchase from a retailer of:

(a) Any repair part which has a limited storage life or is otherwise subject to deterioration, such as rubber items, gaskets or batteries;

(b) any single repair part which is priced as a set of two (2) or more items;

(c) any repair part which because of its condition is not resalable as a new part without repackaging or reconditioning;

(d) any inventory for which the retailer is unable to furnish evidence, satisfactory to the wholesaler, manufacturer or distributor, of clear title, free and clear of all claims, liens and encumbrances;

(e) any inventory which the retailer desires to keep, provided the retailer has a contractual right to do so;

(f) any farm implements, machinery, utility and industrial equipment, and attachments which are not in new, unused, undamaged, complete condition;

(g) any repair parts which are not in new, unused, undamaged condition;

(h) any farm implements, machinery, utility and industrial equipment, or attachments which were purchased twenty-four (24) months or more prior to notice of termination of the contract;

(i) any inventory which was ordered by the retailer on or after the actual receipt of the date of notification of termination of the contract;

(j) any inventory which was acquired by the retailer from any source other than the wholesaler, manufacturer or distributor.

Section 6. If any wholesaler, manufacturer or distributor shall fail or refuse to repurchase any inventory covered under the provisions of this act within sixty (60) days after shipment of such inventory, he shall be civilly liable for one hundred percent (100%) of the current net price of the inventory, plus any freight charges paid by the retailer, the retailer's reasonable attorney's fees, court costs and interest on the current net price computed at the legal interest rate from the sixty-first (61st) day after shipment.

Section 7. In the event of the death or incapacity of the retailer or the majority stockholder of a corporation operating as a retailer, the wholesaler, manufacturer or distributor shall, at the option of the heir or heirs, or retailer as defined in subsection (c) of Section 1 of this act, repurchase the inventory from the heir or heirs or retailer as defined in subsection (c) of Section 1 of this act, of the retailer or majority stockholder as if the wholesaler, manufacturer or distributor had terminated the contract. The heir or heirs or retailer as defined in subsection (c) of Section 1 of this act shall have one (1) year from the date of the death of the retailer or majority stockholder to exercise their option under this act. Nothing in this act shall require the repurchase of any inventory if the heir or heirs or retailer as defined in subsection (c) of Section 1 of this act, and wholesaler, manufacturer or distributor enter into a new contract to operate the retail dealership.

Section 8. The provision of this act shall not be construed to affect in any way any security interest which the wholesaler, manufacturer or distributor may have in the inventory of the retailer, and any repurchase hereunder shall not be subject to the provisions of the bulk sales law. The retailer, wholesaler, manufacturer or distributor may furnish a representative to inspect all parts and certify their

acceptability when packed for shipment.

Section 9. The wholesaler, manufacturer or distributor shall have not more than one hundred twenty (120) days to audit the books or records regarding any pay-offs, floor plans, material or goods and to make any collections therefrom. If the retailer is involved in any promotional contest or promotional scheme, the wholesaler, manufacturer or distributor shall have not more than one hundred twenty (120) days to audit any books or records in order to determine compliance with the rules and regulations of the contest or scheme in order to make any collections therefrom.

Section 10. Upon the termination, cancellation or non-renewal by the manufacturer of any franchise without good cause, the retailer shall be paid fair and reasonable compensation by the manufacturer for the dealership facilities. If the facilities were required to be purchased or constructed as a precondition to obtaining the franchise or to its renewal by the manufacturer, the manufacturer shall use its best efforts to locate a purchaser who will offer to purchase the facilities at a reasonable market price. If the manufacturer does not locate such a purchaser within a reasonable time, the manufacturer will pay the retailer as defined in subsection (c) of Section 1 of this act at his option an amount equivalent to the reasonable rental value of such facilities for three (3) years during which time the manufacturer shall be entitled to possession of said facilities. If the facilities were leased and the lease was required as a precondition to obtaining the franchise or to its renewal by the manufacturer, then the manufacturer shall use its best efforts to locate a lessee who will offer to lease the premises for a reasonable term at a reasonable rent. If the manufacturer does not locate a lessee within a reasonable time, the manufacturer shall pay such rent for three (3) years or the remainder of the term of the lease, whichever is less and the manufacturer shall have the option to succeed to the rights of the retailer under the lease.

Section 11. All warranty claims made by the retailer to the wholesaler, manufacturer or distributor, as the case may be, for labor and parts shall be paid within thirty (30) days following their approval. All such claims shall be either approved or disapproved within thirty (30) days after their receipt, and any claim not specifically disapproved in writing within thirty (30) days after the receipt shall be construed to be approved and payment must follow within thirty (30) days. Any part that is subject to a warranty claim and the retailer is required by the manufacturer to hold part and/or parts for inspection, then this must be accomplished within 60 days from the date of the filing of subject claim, otherwise the retailer has the right to scrap such parts being held for inspection, without prejudicing the claim.

Section 12. A wholesaler, manufacturer or distributor, as the case may be, will fully indemnify and hold harmless its retailer against any losses, including but not limited to: court costs and reasonable attorney's fees, or damages arising out of complaints, claims or lawsuits including, but not limited to, strict liability, negligence, misrepresentation, warranty (express or implied), or rescission of the sale where the complaint, claim or lawsuit relates to the manufacture, assembly or design of new items covered by this act, parts or accessories, or other functions by the manufacturer, beyond the control of the dealer.

Section 13. Notwithstanding the terms, provisions or conditions of any dealer agreement or franchise or the terms or provisions of any waiver, and notwithstanding any other legal remedies available, any person who is injured in his business or property by a violation of this act by the commission of any unfair and deceptive trade practices, or because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of this act, may bring a civil action in a court of competent jurisdiction in this state to enjoin further violations, to recover the damages sustained by him together with the costs of the suit, including a reasonable attorney's fee.

Section 14. Except as otherwise provided, any civil action commenced under the provisions of this act must be brought within four years after the cause of action has accrued. The cause of action shall not accrue until the discovery by the aggrieved party of the fact or facts constituting a violation of the provisions of this act.

Section 15. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the parts that remain.

Section 16. All laws or parts of laws in conflict with this Act are hereby repealed and the specific words "and farm tractors and self-propelled farm implements" as they appear in the definition of motor vehicle in Section 3, Subsection 8 of Act No. 81-390, H. 503 of the 1981 Regular Session of the Legislature, are hereby specifically repealed; provided further, it is the intent of the Legislature that the provisions of this Act shall not repeal nor be construed to repeal any other provisions of Act No. 81-390, H. 503 of the 1981 Regular Session of the Legislature.

Section 17. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-777

S. 665—Mr. Britnell

AN ACT

Relating to Franklin County; to provide an additional expense allowance for the members and Chairman of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The members and the Chairman of the Board of the Franklin County Commission have had added to their responsibilities the duty and obligation to maintain and oversee the road system for Franklin County. This has necessitated the members and Chairman to expend their funds in visiting, overseeing and supervising road work and construction. In order to help offset this expense, the members and Chairman of the Board of the Franklin County Commission shall be entitled to receive an expense allowance in the amount of \$150.00 per month to be paid from the seven cent gasoline tax fund. Said expense allowance shall be in addition to any and all other compensation, salary or expense allowance provided by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-778

S. 667—Mr. Taylor

AN ACT

Relating to Wilcox County; to provide for the further compensation of election officials.

Be It Enacted by the Legislature of Alabama:

Section 1. Each election official of Wilcox County shall receive the rate of minimum wage for each hour, or fraction thereof, that the polls are open per day for the performance of his official duties up to a maximum of twenty-five dollars (\$25.00) per day. The county governing body of Wilcox County shall supplement the compensation already provided by the general law of the state with funds out of the county general fund sufficient to bring said compensation up to the amount provided for by this act; provided, however, in any municipal election in which the official serves, the supplement provided for

herein shall be paid by the municipality in which such election is held.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-779

S. 668—Mr. Kirkland

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Atmore, in Escambia County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Atmore in Escambia County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

Northwest Quarter of the Northwest Quarter of Section 33, Township One North, Range 6 East, Escambia County, Alabama.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-780

S.J.R. 207—Mr. Bailey

SENATE JOINT RESOLUTION

COMMENDING MR. ROGER NEIL, STATE EDITOR FOR THE DOTHAN EAGLE.

WHEREAS, Mr. Roger Neil has been associated with the Dothan Eagle for the past three and one-half years and currently serves as State Editor; and

WHEREAS, a native of Virginia, Mr. Neil attended V.P.I., George C. Wallace State Community College and is a graduate of the School of Journalism of Troy State University; and

WHEREAS, prior to joining the Dothan Eagle, Mr. Neil worked for daily newspapers in both Manassas and Bristol, Virginia, and with a weekly newspaper in Chipley, Florida; and

WHEREAS, Roger Neil has served as a member of the Capitol Press Corp during this 1981 Legislative Session, and has served in a manner which truly reflects his professional ability as a dedicated journalist; and

WHEREAS, he most particularly is to be praised for his untiring efforts during the Senate filibuster over the death penalty bill, during which time he worked many long hours, going without sleep, to remain on duty through passage of the bill; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Roger Neil of the Dothan Eagle for outstanding journalism and direct that he receive a copy of this resolution in token of our high regard.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-781

S.J.R. 214—Mr. Teague

SENATE JOINT RESOLUTION

PROPOSING THE ESTABLISHMENT OF A SISTER STATE RELATIONSHIP BETWEEN THE PROVINCE OF TAIWAN, THE REPUBLIC OF CHINA AND THE STATE OF ALABAMA, UNITED STATES OF AMERICA.

WHEREAS, the encouragement and promotion of trade among various nations is essential to effective global economic development; and

WHEREAS, international trade encourages the exchange of ideas as well as knowledge and experience among nations; and

WHEREAS, increased trade helps make better use of resources and nurtures trust among the world's nations; and

WHEREAS, the Republic of China has been and continues to be one of the most faithful allies of the United States; and

WHEREAS, Taiwan, the Republic of China, is a province with which increased trade relations would encourage and promote economic development in Alabama; and

WHEREAS, strong commercial ties now exist between the citizens of Taiwan and the citizens of Alabama; and

WHEREAS, a Sister State relationship between Taiwan and Alabama is in the best interest of a cooperative spirit between the two states involved. Therefore,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA:

Section 1. The Legislature on behalf of the people of Alabama, extend to the people of Taiwan through the Provincial Legislature of Taiwan, an invitation to join with Alabama as a Sister State and as such to conduct such mutually beneficial social, economic, educational and cultural programs as to bring our citizens closer together and strengthen international understanding and goodwill.

Section II. That the Secretary of State of the State of Alabama transmit copies of this Resolution to the Governor.

Section III. That the Governor of the State of Alabama deliver copies of this Resolution to Yang-Kang Lin, Governor of Taiwan, Heng-Wen Chai, Speaker of the General Assembly of Taiwan, Premier Sun and President Chiang.

Approved May 27, 1981

Time: 9:00 A.M.

THE IMPENDING IMPACT OF FEDERAL BLOCK GRANTS TO OPERATE STATE HEALTH AND WELFARE PROGRAMS.

WHEREAS, the present administration in Washington has committed itself to the concept of federal block grants for state health and welfare programs; and

WHEREAS, it is obvious that there will be some reductions in the total amount of funds available for health and welfare programs at both the national and state levels; and

WHEREAS, there exists the potential that this may have a significant impact on the state funds appropriated to state health and welfare agencies; and

WHEREAS, it is the intent of the Alabama Legislature to ensure that every effort is made to provide the highest quality of services to the citizens of Alabama in the most efficient manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the scope of the select joint committee created by Act No. 79-816, SJR 172, of the 1979 Special Session of the Legislature is hereby enlarged so that said committee shall investigate and report on or before the fifth day of each Regular Session on the impending impact of federal block grants to operate state health and welfare programs.

RESOLVED FURTHER, That said committee shall function and be compensated according to the guidelines prescribed in said Act 79-816.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-783

S. 494—Mr. Weeks

AN ACT

To amend Section 27-15-28 and Section 27-36-7, Code of Alabama, 1975, as amended, which relate to the standard nonforfeiture law and the standard valuation law of life insurance and annuity contracts so as to provide a system for automatic annual updating of the statutory valuation and nonforfeiture interest rate standards applicable to new business, to provide new mortality tables for ordinary life insurance and to authorize the Commissioner of Insurance to promulgate more modern life insurance annuity and disability tables; to change the excess initial expense where used to determine minimum nonforfeiture values for life insurance; to provide technical changes to simplify compliance with the laws and to handle new products; and to authorize the Insurance Commissioner to promulgate valuation and nonforfeiture regulations to accommodate life insurance plans providing for future premium determination

and plans for which minimum reserves or nonforfeiture values cannot be expressly determined.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 27-15-28, Code of Alabama, 1975, is hereby amended to read as follows:

“§ 27-15-28.

“(a) This section shall be known as the standard nonforfeiture law for life insurance.

“(b) Nonforfeiture provisions — Life. — In the case of policies issued on, or after January 1, 1972, no policy of life insurance, except as set forth in subsection (n) of this section, shall be delivered or issued for delivery in this state unless it shall contain in substance the following provisions, or corresponding provisions which, in the opinion of the Commissioner, are at least as favorable to the defaulting or surrendering policyholder as are the minimum requirements hereinafter specified and are essentially in compliance with subsection (m) of this section:

“(1) That, in the event of default in any premium payment, the insurer will grant, upon proper request not later than 60 days after the due date of the premium in default, a paid-up nonforfeiture benefit on a plan stipulated in the policy, effective as of such due date, of such amount as may be specified in this section. In lieu of such stipulated paid-up nonforfeiture benefit, the insurer may substitute, upon proper request not later than 60 days after the due date of the premium in default, an actuarially equivalent alternative paid-up nonforfeiture benefit which provides a greater amount or longer period of death benefits or, if applicable, a greater amount or earlier payment of endowment benefits;

“(2) That, upon surrender of the policy within 60 days after the due date of any premium payment in default after premiums have been paid for at least three full years in the case of ordinary insurance and five full years in the case of industrial insurance, the insurer will pay, in lieu of any paid-up nonforfeiture benefit, a cash surrender value of such amount as may be specified in this section;

“(3) That a specified paid-up nonforfeiture benefit shall become effective as specified in the policy unless the person entitled to make such election elects another available option not later than 60 days after the due date of the premium in default;

“(4) That, if the policy shall have become paid up by completion of all premium payments, or if it is continued under any paid-up nonforfeiture benefit which became effective on, or after, the third

policy anniversary in the case of ordinary insurance or the fifth policy anniversary in the case of industrial insurance, the insurer will pay, upon surrender of the policy within 30 days after any policy anniversary, a cash surrender value of such amount as may be specified in this section;

“(5) In the case of policies which cause, on a basis guaranteed in the policy, unscheduled changes in benefits or premiums, or which provide an option for changes in benefits or premiums other than a change to a new policy, a statement of the mortality table, interest rate, and method used in calculating cash surrender values and the paid-up nonforfeiture benefits available under the policy. In the case of all other policies, a statement of the mortality table and interest rate used in calculating the cash surrender values and the paid-up nonforfeiture benefits available under the policy, together with a table showing the cash surrender value, if any, and paid-up nonforfeiture benefit, if any, available under the policy on each policy anniversary, either during the first 20 policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the policy and that there is no indebtedness to the insurer on the policy; and

“(6) A statement that the cash surrender values and the paid-up nonforfeiture benefits available under the policy are not less than the minimum values and benefits required by or pursuant to the insurance law of this state; an explanation of the manner in which the cash surrender values and the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the insurer on the policy; and a statement of the method to be used in calculating the cash surrender value, and paid-up nonforfeiture benefit available under the policy on any policy anniversary beyond the last anniversary for which such values and benefits are consecutively shown in the policy.

“(c) Any of the provisions, or portions thereof, set forth in subdivisions (1) through (6) of subsection (b) of this section which are not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy. The insurer shall reserve the right to defer the payment of any cash surrender value for a period of six months after demand therefor with surrender of the policy.

“(d) Cash surrender value — Life. — Any cash surrender value available under the policy in the event of default in the premium payment due on any policy anniversary, whether or not required by subsection (b) of this section, shall be an amount not less than the excess, if any, of the present value on such anniversary of the future guaranteed benefits which would have been provided for by the policy,

including any existing paid-up additions if there had been no default, over the sum of:

“(1) The then present value of the adjusted premium as defined in subsections (f), (g), (h), (i) and (j) of this section, corresponding to premiums which would have fallen due on and after such anniversary; and

“(2) The amount of any indebtedness to the insurer on account of or secured by the policy.

“Provided, however, that for any policy issued on or after the operative date of subsection (j) as defined therein, which provides supplemental life insurance or annuity benefits at the option of the insured and for an identifiable additional premium by rider or supplemental policy provision, the cash surrender value referred to in the first paragraph of this subsection shall be an amount not less than the sum of the cash surrender value as defined in such paragraph for an otherwise similar policy issued at the same age without such rider or supplemental policy provision and the cash surrender value as defined in such paragraph for a policy which provides only the benefits otherwise provided by such rider or supplemental policy provision.

“Provided, further, that for any family policy issued on or after the operative date of subsection (j) of this section as defined therein, which defines a primary insured and provides term insurance on the life of the spouse of the primary insured expiring before the spouse's age 71, the cash surrender value referred to in the first paragraph of this subsection shall be an amount not less than the sum of the cash surrender value as defined in such paragraph for an otherwise similar policy issued at the same age without such term insurance on the life of the spouse and the cash surrender value as defined in such paragraph for a policy which provides only the benefits otherwise provided by such term insurance on the life of the spouse.

“Any cash surrender value available within 30 days after any policy anniversary under any policy paid-up by completion of all premium payments or any policy continued under any paid-up nonforfeiture benefits, whether or not required by subsection (b) of this section, shall be an amount not less than the present value, on such anniversary, of the future guaranteed benefits provided for by the policy, including any existing paid-up additions, decreased by any indebtedness to the insurer on account of or secured by the policy.

“(e) Paid-up nonforfeiture benefits – Life. – Any paid-up nonforfeiture benefit available under the policy in the event of default in the premium payment due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the cash surrender value then provided for by the policy or, if none

is provided for, that cash surrender value which would have been required by this section in the absence of the condition that premiums shall have been paid for at least a specified period.

“(f) The adjusted premium — Life. — This subsection (f) shall not apply to policies issued on or after the operative date of subsection (j) as defined therein. Except as provided in subsection (h) of this section, the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding extra premiums on a substandard policy, that the present value at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of:

“(1) The then present value of the future guaranteed benefits provided for by the policy;

“(2) Two percent of the amount of the insurance if the insurance be uniform in amount, or of the equivalent uniform amount, as defined in this section, if the amount of insurance varies with the duration of the policy;

“(3) Forty percent of the adjusted premium for the first policy year; and

“(4) Twenty-five percent of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less; provided, however, that in applying the percentages specified in subdivisions (3) and (4) of this subsection, no adjusted premiums shall be deemed to exceed four percent of the amount of insurance or uniform amount equivalent thereto.

“Whenever the plan or term of a policy has been changed, either by request of the insured or automatically in accordance with the provisions of the policy, the date of inception of the changed policy for the purposes of determining a nonforfeiture benefit or cash surrender value shall be the date as of which the age of the insured is determined for the purposes of the changed policy. The date of issue of a policy for the purpose of this subsection and subsections (g) and (h) of this section shall be the date as of which the rated age of the insured is determined.

“(g) This subsection (g) shall not apply to policies issued on or after the operative date of subsection (j) as defined therein. In the case of a policy providing an amount of insurance varying with the duration of the policy, the equivalent uniform amount thereof for the purposes of subsection (f) of this section shall be deemed to be the

uniform amount of insurance provided by an otherwise similar policy containing the same endowment benefit, or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy; provided, however, that, in the case of a policy, for a varying amount of insurance issued on the life of a child under age 10, the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age 10 were the amount provided by such policy at age 10.

“(h) This subsection (h) shall not apply to policies to be issued on or after the operative date of subsection (j) as defined therein. The adjusted premiums for any policy providing term insurance benefits by rider or supplemental policy provision shall be equal to:

“(1) The adjusted premiums for an otherwise similar policy issued at the same age without such term insurance benefits increased, during the period for which premiums for such term insurance benefits are payable; by

“(2) The adjusted premiums for such term insurance subdivisions (1) and (2) of this subsection being calculated separately and as specified in subsections (f) and (g) of this section.

“(i) This subsection (i) shall not apply to ordinary or industrial policies to be issued on or after the operative date of subsection (j) as defined therein. The adjusted premiums and present values referred to in this section shall, for all policies of ordinary insurance, be calculated on the basis of the commissioners’ 1958 standard ordinary mortality table, provided, that, for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured and provided that for any category of ordinary insurance issued on female risks on or after July 30, 1979, adjusted premiums and present values may be calculated according to an age not more than six years younger than the actual age of the insured. Such calculation for all policies of industrial insurance shall be made on the basis of the commissioners’ 1961 standard industrial mortality table. All calculations shall be made on the basis of the rate of interest specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits; provided, that such rate of interest shall not exceed three and one-half percent per annum; provided further, that a rate of interest not exceeding four percent per annum may be used for policies issued on or after August 23, 1976 and prior to July 30, 1979, and a rate of interest not exceeding five and one-half percent per annum may be used for policies issued on or after July 30, 1979; provided, however, that, in calculating the

present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed in the case of ordinary policies may not be more than those shown in the commissioners' 1958 extended term insurance table and, in the case of industrial policies, may not be more than the those shown in the commissioners' 1961 industrial extended term insurance table; provided further, that, for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

“(j) (1) This subsection shall apply to all policies issued on or after the operative date of this subsection (j) of this section, as defined herein. Except as provided in the seventh paragraph of this subsection, the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding extra premiums on a substandard policy and also excluding any uniform annual contract charge or policy fee specified in the policy in a statement of the method to be used in calculating the cash surrender values and paid-up nonforfeiture benefits, that the present value, at the date of issue of the policy, of all adjusted premiums shall be equal to the sum of:

“(i) The then present value of the future guaranteed benefits provided for by the policy;

“(ii) One percent of either the amount of insurance if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first ten policy years; and

“(iii) One hundred twenty-five percent of the nonforfeiture net level premium as hereinafter defined.

“Provided, however, that in applying the percentage specified in paragraph (iii) of this subdivision, no nonforfeiture net level premium shall be deemed to exceed four percent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first ten policy years. The date of issue of a policy for the purpose of this subsection shall be the date as of which the rated age of the insured is determined.

“(2) The nonforfeiture net level premium shall be equal to the present value, at the date of issue of the policy, of the guaranteed benefits provided for by the policy divided by the present value, at the date of issue of the policy, of an annuity of one per annum payable on the date of issue of the policy and on each anniversary of such policy on which a premium falls due.

“(3) In the case of policies which cause, on a basis guaranteed

in the policy, unscheduled changes in benefits or premiums, or which provide an option for changes in benefits or premiums other than a change to a new policy, the adjusted premiums and present values shall initially be calculated on the assumption that future benefits and premiums do not change from those stipulated at the date of issue of the policy. At the time of any such change in the benefits or premiums the future adjusted premiums, nonforfeiture net level premiums and present values shall be recalculated on the assumption that future benefits and premiums do not change from those stipulated by the policy immediately after the change.

“(4) Except as otherwise provided in subdivision (7) of this subsection, the recalculated future adjusted premiums for any such policy shall be such uniform percentage of the respective future premiums specified in the policy for each policy year, excluding extra premiums on a substandard policy, and also excluding any uniform annual contract charge or policy fee specified in the policy in a statement of the method to be used in calculating the cash surrender values and paid-up nonforfeiture benefits, that the present value at the time of change to the newly defined benefits or premiums, or all such future adjusted premiums shall be equal to the excess of:

“(A) The sum of (i) the then present value of the then future guaranteed benefits provided for by the policy and (ii) the additional expense allowance, if any; over

“(B) The then cash surrender value, if any, or present value of any paid-up nonforfeiture benefit under the policy.

“(5) The additional expense allowance, at the time of the change to the newly defined benefits or premiums, shall be the sum of:

“(A) One percent of the excess, if positive, of the average amount of insurance at the beginning of each of the first ten policy years subsequent to the change over the average amount of insurance prior to the change at the beginning of each of the first 10 policy years subsequent to the time of the most recent previous change, or, if there has been no previous change, the date of issue of the policy; and

“(B) One hundred twenty-five percent of the increase, if positive, in the nonforfeiture net level premium.

“(6) The recalculated nonforfeiture net level premium shall be equal to the result obtained by dividing (A) by (B) where (A) equals the sum of:

“(i) the nonforfeiture net level premium applicable prior to the change times the present value of an annuity of one per annum payable on each anniversary of the policy on or subsequent to the

date of the change on which a premium would have fallen due had the change not occurred, and

“(ii) the present value of the increase in future guaranteed benefits provided for by the policy, and (B) equals the present value of an annuity of one per annum payable on each anniversary of the policy on or subsequent to the date of change on which a premium falls due.

“(7) Notwithstanding any other provision of this subsection to the contrary, in the case of a policy issued on a substandard basis which provides reduced graded amounts of insurance so that, in each policy year, such policy has the same tabular mortality cost as an otherwise similar policy issued on the standard basis which provides higher uniform amounts of insurance, adjusted premiums and present values for such substandard policy may be calculated as if it were issued to provide such higher uniform amounts of insurance on the standard basis.

“(8) All adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of (i) the commissioners' 1980 standard ordinary mortality table or (ii) at the election of the insurer for any one or more specified plans of life insurance, the commissioners' 1980 standard ordinary mortality table with ten-year select mortality factors; shall for all policies of industrial insurance be calculated on the basis of the commissioners' 1961 standard industrial mortality table; and shall for all policies issued in a particular calendar year be calculated on the basis of a rate of interest not exceeding the nonforfeiture interest rate as defined in this subsection for policies issued in that calendar year; provided, however, that:

“(A) At the option of the insurer, calculations for all policies issued in a particular calendar year may be made on the basis of a rate of interest not exceeding the nonforfeiture interest rate, as defined in this subsection, for policies issued in the immediately preceding calendar year.

“(B) Under any paid-up nonforfeiture benefit, including any paid-up dividend additions, any cash surrender value available, whether or not required by subsection (b) of this section, shall be calculated on the basis of the mortality table and rate of interest used in determining the amount of such paid-up nonforfeiture benefit and paid-up dividend additions, if any.

“(C) An insurer may calculate the amount of any guaranteed paid-up nonforfeiture benefit including any paid-up additions under the policy on the basis of an interest rate no lower than that specified in the policy for calculating cash surrender values.

“(D) In calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the commissioners 1980 extended term insurance table for policies of ordinary insurance and not more than the commissioners 1961 industrial extended term insurance table for policies of industrial insurance.

“(E) For insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on appropriate modifications of the aforementioned tables.

“(F) Any ordinary mortality tables, adopted after 1980 by the National Association of Insurance Commissioners, that are approved by regulation promulgated by the Commissioner for use in determining the minimum nonforfeiture standard may be substituted for the commissioners’ 1980 standard ordinary mortality table with or without ten-year select mortality factors or for the commissioners’ 1980 extended term insurance table.

“(G) Any industrial mortality tables, adopted after 1980 by the National Association of Insurance Commissioners, that are approved by regulation promulgated by the Commissioner for use in determining the minimum nonforfeiture standard may be substituted for the commissioners’ 1961 standard industrial mortality table or the commissioners’ 1961 industrial extended term insurance table.

“(9) The nonforfeiture interest rate per annum for any policy issued in a particular calendar year shall be equal to one hundred and twenty-five percent of the calendar year statutory valuation interest rate for such policy as defined in the standard valuation law, rounded to the nearer one-quarter of one percent ($\frac{1}{4}$ of 1%).

“(10) Notwithstanding any other provision of this code to the contrary, any refiling of nonforfeiture values or their methods of computation for any previously approved policy form which involves only a change in the interest rate or mortality table used to compute nonforfeiture values shall not require refiling of any other provisions of that policy form.

“(11) After the effective date of this subsection (j), any insurer may file with the Commissioner a written notice of its election to comply with the provisions of this subsection after a specified date before January 1, 1989, which shall be the operative date of this subsection for such insurer. If an insurer makes no such election, the operative date of this subsection for such insurer shall be January 1, 1989.

“(k) In the case of any plan of life insurance which provides for

future premium determination, the amounts of which are to be determined by the insurer based on then estimates of future experience, or in the case of any plan of life insurance which is of such a nature that minimum values cannot be determined by the methods described in subsections (b), (c), (d), (e), (f), (g), (h), (i) or (j) of this section, then:

“(1) The Commissioner must be satisfied that the benefits provided under the plan are substantially as favorable to policyholders and insureds as the minimum benefits otherwise required by subsections (b), (c), (d), (e), (f), (g), (h), (i) or (j) of this section:

“(2) The Commissioner must be satisfied that the benefits and the pattern of premiums of that plan are not such as to mislead prospective policyholders or insureds;

“(3) The cash surrender values and paid-up nonforfeiture benefits provided by such plan must not be less than the minimum values and benefits required for the plan computed by a method consistent with the principles of this standard nonforfeiture law for life insurance, as determined by regulations promulgated by the Commissioner.

“(1) Any cash surrender value and any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in subsections (d), (e), (f), (g), (h), (i) and (j) of this section may be calculated on the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall not be less than the amounts used to provide such additions. Notwithstanding the provisions of subsection (d) of this section, additional benefits payable:

“(1) In the event of death or dismemberment by accident or accidental means;

“(2) In the event of total and permanent disability;

“(3) As reversionary annuity or deferred reversionary annuity benefits;

“(4) As term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section would not apply;

“(5) As term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child's age is 26, is uniform

in amount after the child's age is one and has not become paid-up by reason of the death of the parent of the child; and

“(6) As other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.

“(m) This subsection, in addition to all other applicable subsections of this section, shall apply to all policies issued on or after January 1, 1985. Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary shall be in an amount which does not differ by more than two-tenths of one percent of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first ten policy years, from the sum of (i) the greater of zero and the basic cash value hereinafter specified and (ii) the present value of any existing paid-up additions less the amount of any indebtedness to the insurer on account of or secured by the policy.

“The basic cash value shall be equal to the present value, on such anniversary, of the future guaranteed benefits which would have been provided for by the policy, excluding any existing paid-up additions and before deduction of any indebtedness to the insurer, if there had been no default, less the then present value of the nonforfeiture factors, as defined in this subsection, corresponding to premiums which would have fallen due on and after such anniversary; provided, however, that the effects on the basic cash value of supplemental life insurance or annuity benefits or of family coverage, as described in subsection (d) or (h) of this section, whichever is applicable, shall be the same as are the effects specified in subsection (d) or (h) of this section, whichever is applicable, on the cash surrender values defined in that subsection.

“The nonforfeiture factor for each policy year shall be an amount equal to a percentage of the adjusted premium for the policy year, as defined in subsections (f), (g) and (h), or subsection (j) of this section, whichever is applicable. Except as is required by the next succeeding sentence of this paragraph, such percentage:

“(1) Must be the same percentage for each policy year between the second policy anniversary and the later of (i) the fifth policy anniversary and (ii) the first policy anniversary at which there is available under the policy a cash surrender value in an amount, before including any paid-up additions and before deducting any indebtedness, of at least two tenths of one percent of either the amount

of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first ten policy years; and

“(2) Must be such that no percentage after the later of the two policy anniversaries specified in the preceding item (1) may apply to fewer than five consecutive policy years.

“Provided, that no basic cash value may be less than the value which would be obtained if the adjusted premiums for the policy, as defined in subsections (f), (g) and (h), or subsection (j) of this section, whichever is applicable, were substituted for the nonforfeiture factors in the calculation of the basic cash value.

“All adjusted premiums and present values referred to in this subsection shall for a particular policy be calculated on the same mortality and interest bases as are used in demonstrating the policy's compliance with the other subsections of this section. The cash surrender values referred to in this subsection shall include any endowment benefits provided for by the policy.

“Any cash surrender value available other than in the event of default in a premium payment due on a policy anniversary, and the amount of any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment shall be determined in manners consistent with the manners specified for determining the analogous minimum amounts in subsections (b), (c), (d), (e), (j) and (l). The amounts of any cash surrender values and of any paid-up nonforfeiture benefits granted in connection with additional benefits such as those listed in items (i) through (vi) in subsection (l) of this section shall conform with the principles of this subsection (m).

“(n) Exceptions. — This section shall not apply to any of the following:

“(1) Reinsurance,

“(2) Group Insurance,

“(3) Pure endowment,

“(4) Annuity or reversionary annuity contract,

“(5) Variable life insurance contract.

“(5) Term policy of uniform amount, which provides no guaranteed nonforfeiture or endowment benefits, or renewal thereof, of twenty years or less expiring before age 71, for which uniform premiums are payable during the entire term of the policy,

“(6) Term policy of decreasing amount, which provides no

guaranteed nonforfeiture for endowment benefits, on which each adjusted premium, calculated as specified in subsections (f), (g), (h), (i) and (j) of this section is less than the adjusted premium so calculated on a term policy of uniform amount, or renewal thereof, which provides no guaranteed nonforfeiture or endowment benefits, issued at the same age and for the same initial amount of insurance and for a term of twenty years or less expiring before age 71, for which uniform premiums are payable during the entire term of the policy,

“(7) Policy, which provides no guaranteed nonforfeiture or endowment benefits, for which no cash surrender value, if any, or present value of any paid-up nonforfeiture benefit, at the beginning of any policy year calculated as specified in subsections (d), (e), (f), (g), (h), (i), and (j) exceeds two and one-half percent of the amount of insurance at the beginning of the same policy year.

“(o) For purposes of determining the applicability of this section, the age at expiry for a joint term life insurance policy shall be the age at expiry of the oldest life.

“(p) This section shall not apply to benefits provided in the form of funeral or monument merchandise and services under burial policies except to the extent provided in section 27-17-13.”

Section 2. Section 27-36-7, Code of Alabama, 1975, is hereby amended to read as follows:

“§ 27-36-7.

“(a) This section shall be known as the standard valuation law.

“(b) Annual valuation. — The commissioner shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurer doing business in this state and may certify the amount of any such reserves, specifying the mortality table or tables, rate or rates of interest, and methods (net level premium method or others) used in the calculation of such reserves. In the case of an alien insurer, such valuation shall be limited to its insurance transactions in the United States. In calculating such reserves, the commissioner may use group methods and approximate averages for fractions of a year or otherwise. He may accept in his discretion the insurer's calculation of such reserves. In lieu of the valuation of the reserves required in this title of any foreign or alien insurer, he may accept any valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when such valuation complies with the minimum standard provided in this section, and if the official of such state or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation

of the commissioner when such certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that state or jurisdiction. Where any such valuation is made by the commissioner, he may use the actuary of the department or employ an actuary for the purpose, and the reasonable compensation and expenses of the actuary, at a rate approved by the commissioner, upon demand by the commissioner, supported by an itemized statement of such compensation and expenses, shall be paid by the insurer. When a domestic insurer furnishes the commissioner with a valuation of its outstanding policies as computed by its own actuary or by an actuary deemed satisfactory for the purpose by the commissioner, the valuation shall be verified by the actuary of the department without cost to the insurer.

“(c) The minimum standard for the valuation of all such policies and contracts issued prior to January 1, 1972 shall be as required under laws in effect immediately prior to January 1, 1972, or the minimum provided in subsection (d) of this section, if less, except that the minimum standard for the valuation of annuities and pure endowments purchased under group annuity and pure endowment contracts issued prior to January 1, 1972 shall be that provided by the laws in effect prior to January 1, 1972 by replacing the interest rates specified in such laws by an interest rate of five percent per annum.

“(d) (1) Except as otherwise provided in subdivisions (2) and (3) of this subsection, the minimum standard for the valuation of all such policies and contracts issued on or after January 1, 1972 shall be the commissioner’s reserve valuation method defined in subsections (e) and (i) of this section, five percent interest for group annuities and pure endowment contracts and three and one-half percent interest for all other such policies and contracts or, in the case of policies and contracts, other than annuity and pure endowment contracts, issued on or after August 23, 1976, four percent interest, for such policies issued prior to July 30, 1979, and four and one-half percent interest for all other such policies issued on or after July 30, 1979, and the following tables:

“a. For all ordinary policies of life insurance issued on the standard basis excluding any disability and accidental death benefits in such policies, the commissioner’s 1958 standard ordinary mortality table for such policies issued prior to the operative date of subsection (j) of the standard nonforfeiture law for life insurance, as amended; except, that for any category of such policies issued on female risks modified net premiums and present values, referred to in subsection (e) of this section, may be calculated, according to an age not more than three years younger than the actual age of the insured and for

any category of such policies issued on female risks on or after July 30, 1979, modified net premiums and present values, referred to in subsection (e), may be calculated according to an age not more than six years younger than the actual age of the insured; and for such policies issued on or after the operative date of subsection (j) of the standard nonforfeiture law for life insurance as amended:

“(1) The commissioner’s 1980 standard ordinary mortality table, or

“(2) At the election of the insurer for any one or more specified plans of life insurance, the commissioner’s 1980 standard ordinary mortality table with ten-year select mortality factors, or

“(3) Any ordinary mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies.

“b. For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies, the commissioner’s 1961 standard industrial mortality table or any industrial mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies;

“c. For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the 1937 standard annuity mortality table or, at the option of the insurer, the annuity mortality table for 1949, ultimate, or any modification of either of these tables approved by the commissioner.

“d. For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the group annuity mortality table for 1951, any modification of such table approved by the commissioner or at the option of the insurer, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts;

“e. For total and permanent disability benefits in, or supplementary to, ordinary policies or contracts for policies or contracts issued on or after January 1, 1972, the tables of period 2 disablement rates and the 1930 to 1950 termination rates of 1952 disability study of the society of actuaries, with due regard to the type of benefit or any tables of disablement rates and termination rates, adopted after 1980 by the National Association of Insurance Commissioners, that are approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies;

for policies or contracts issued prior to January 1, 1972, either such tables or, at the option of the insurer, the class (3) disability table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserve for life insurance policies;

“f. For accidental death benefits in or supplementary to policies, for policies issued on or after January 1, 1972, the 1959 accidental death benefits table or any accidental death benefits table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such policies; for policies issued prior to January 1, 1972, either such table or, at the option of the insurer, the intercompany double indemnity mortality table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies;

“g. For group life insurance, life insurance issued on the sub-standard basis and other special benefits, such tables as may be approved by the commissioner as being sufficient with relation to the benefits provided by such policies.

“(2) Except as provided in subdivision (3) of this subsection, the minimum standards for the valuation of all individual annuity and pure endowment contracts issued on or after August 23, 1976, and for all annuities and pure endowments purchased on or after the operative date under group annuity and pure endowment contracts shall be the commissioner's reserve valuation method defined in subsection (e) of this section and the following tables and interest rates:

“a. For individual annuity and pure endowment contracts issued on or after August 23, 1976 and prior to July 30, 1979, excluding any disability and accidental death benefits in such contracts, the 1971 individual annuity mortality table, or any modification of this table approved by the commissioner and six percent interest for single premium immediate annuity contracts and four percent interest for all other individual annuity and pure endowment contracts;

“b. For individual single premium immediate annuity contracts issued on or after July 30, 1979, excluding any disability and accidental death benefits in such contracts, the 1971 individual annuity mortality table or any individual annuity mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such contracts, or any modification of these tables approved by the commissioner, and seven and one-half percent interest;

“c. For individual annuity and pure endowment contracts issued

on or after July 30, 1979, other than single premium immediate annuity contracts, excluding any disability and accidental death benefits in such contracts, the 1971 individual annuity mortality table or any individual annuity mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such contracts, or any modification of these tables approved by the commissioner, and five and one-half percent interest for single premium deferred annuity and pure endowment contracts and four and one-half percent interest for all other such individual annuity and pure endowment contracts;

“d. For all annuities and pure endowments purchased on or after August 23, 1976 and prior to July 30, 1979 under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, the 1971 group annuity mortality table, or any modification of this table approved by the commissioner, and six percent interest;

“e. For all annuities and pure endowments purchased on or after July 30, 1979 under group annuity and pure endowment contracts excluding any disability and accidental death benefits purchased under such contracts, the 1971 group annuity mortality table, or any group annuity mortality table, adopted after 1980 by the National Association of Insurance Commissioners, that is approved by regulation promulgated by the commissioner for use in determining the minimum standard of valuation for such annuities and pure endowments, or any modification of these tables approved by the commissioner, and seven and one-half percent interest.

“After August 23, 1976, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this subdivision after a specified date but before January 1, 1980, which shall be the operative date of this subdivision for such insurer; provided, that an insurer may elect a different operative date for individual annuity and pure endowment contracts. If an insurer makes no such election, the operative date of this subdivision for such insurer shall be January 1, 1980.

“(3) (A) Applicability of this subdivision

“(1) The interest rates used in determining the minimum standard for the valuation of:

“(a) all life insurance policies issued in a particular calendar year, on or after the operative date of subsection (j) of the standard nonforfeiture law for life insurance,

“(b) all individual annuity and pure endowment contracts

issued in a particular calendar year on or after January 1, 1982,

“(c) all annuities and pure endowments purchased in a particular calendar year on or after January 1, 1982 under group annuity and pure endowment contracts, and;

“(d) the net increase, if any, in a particular calendar year after January 1, 1982, in amounts held under guaranteed interest contracts shall be the calendar year statutory valuation interest rates as defined in this subdivision.

“(B) Calendar Year Statutory Valuation Interest Rates

“(1) The calendar year statutory valuation interest rates, I, shall be determined as follows and the results rounded to the nearer one-quarter of one percent ($\frac{1}{4}$ of 1%):

“a. For life insurance $I = .03 + W (R_1 - .03) + W/2 (R_2 - .09)$;

“b. For single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and from guaranteed interest contracts with cash settlement options, $I = .03 + W (R - .03)$ where R is the lesser of R_1 and .09, R_2 is the greater of R_1 and .09, R is the reference interest rate defined in this subdivision, and W is the weighting factor defined in this subdivision,

“c. For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on an issue year basis, except as stated in paragraph b above, the formula for life insurance stated in paragraph a above shall apply to annuities and guaranteed interest contracts with guarantee durations in excess of ten years and the formula for single premium immediate annuities stated in paragraph b above shall apply to annuities and guaranteed interest contracts with guarantee duration of ten years or less,

“d. For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the formula for single premium immediate annuities stated in paragraph b above shall apply.

“e. For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change in fund basis, the formula for single premium immediate annuities stated in paragraph b above shall apply.

“(2) However, if the calendar year statutory valuation interest rate for any life insurance policies issued in any calendar year determined without reference to this sentence differs from the corre-

sponding actual rate for similar policies issued in the immediately preceding calendar year by less than one-half of one percent, the calendar year statutory valuation interest rate for such life insurance policies shall be equal to the corresponding actual rate for the immediately preceding calendar year. For purposes of applying the immediately preceding sentence, the calendar year statutory valuation interest rate for life insurance policies issued in a calendar year shall be determined for 1980 (using the reference interest rate defined for 1979) and shall be determined for each subsequent calendar year regardless of when subsection (j) of the standard nonforfeiture law for life insurance becomes operative.

“(C) Weighting Factors

“(1) The weighting factors referred to in the formulas stated above are given in the following tables:

“a. Weighting Factors for Life Insurance:

Guarantee Duration (Years)	Weighting Factors
10 or less	.50
More than 10, but not more than 20	.45
More than 20	.35

For life insurance, the guarantee duration is the maximum number of years the life insurance can remain in force on a basis guaranteed in the policy or under options to convert to plans of life insurance with premium rates or nonforfeiture values or both which are guaranteed in the original policy;

“b. Weighting factor for single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options:

.80

“c. Weighting factors for other annuities and for guaranteed interest contracts, except as stated in paragraph b above, shall be as specified in tables (i), (ii), and (iii) below, according to the rules and definitions in (iv), (v) and (vi) below:

“(i) For annuities and guaranteed interest contracts valued on an issue year basis:

Guarantee Duration (Years)	Weighting Factor for Plan Type		
	A	B	C

5 or less:	.80	.60	.50
More than 5, but not more than 10:	.75	.60	.50
More than 10, but not more than 20:	.65	.50	.45
More than 20	.45	.35	.35

“(ii) For annuities and guaranteed interest contracts valued on a change in fund basis, the factors shown in (i) above increased by:

Plan Type		
A	B	C
.15	.25	.05

“(iii) For annuities and guaranteed interest contracts valued on an issue year basis (other than those with no cash settlement options) which do not guarantee interest on considerations received more than one year after issue or purchase and for annuities and guaranteed interest contracts valued on a change in fund basis which do not guarantee interest rates on considerations received more than 12 months beyond the valuation date, the factors shown in (i) or derived in (ii) increased by:

Plan Type		
A	B	C
.05	.05	.05

“(iv) For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the guarantee duration is the number of years for which the contract guarantees interest rates in excess of the calendar year statutory valuation interest rate for life insurance policies with guarantee duration in excess of twenty years. For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the guarantee duration is the number of years from the date of issue or date of purchase to the date annuity benefits are scheduled to commence.

“(v) Plan type as used in the above tables is defined as follows:

“Plan Type A: At any time policyholder may withdraw funds only (1) with an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurer, or (2) without such adjustment but in installments over five years or more, or (3) as an immediate life annuity, or (4) no withdrawal permitted.

“Plan Type B: Before expiration of the interest rate guarantee, policyholder may withdraw funds only (1) with an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurer, or (2) without such adjustment but in install-

ments over five years or more, or (3) no withdrawal permitted. At the end of interest rate guarantee, funds may be withdrawn without such adjustment in a single sum or installments over less than five years.

“Plan Type C: Policyholder may withdraw funds before expiration of interest rate guarantee in a single sum or installments over less than five years either (1) without adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurer, or (2) subject only to a fixed surrender charge stipulated in the contract as a percentage of the fund.

“(vi) An insurer may elect to value guaranteed interest contracts with cash settlement options and annuities with cash settlement options on either an issue year basis or on a change in fund basis. Guaranteed interest contracts with no cash settlement options and other annuities with no cash settlement options must be valued on an issue year basis. As used in this subdivision, an issue year basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard for the entire duration of the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of issue or year of purchase of the annuity or guaranteed interest contract, and the change in fund basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard applicable to each change in the fund held under the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of the change in the fund.

“(D) Reference Interest Rate

“(1) The Reference Interest Rate referred to in paragraph (B) of this subdivision (3) shall be defined as follows:

“a. For all life insurance, the lesser of the average over a period of thirty-six months and the average over a period of twelve months, ending on June 30 of the calendar year next preceding the year of issue, of Moody’s Corporate Bond Yield Average-Monthly Average Corporates, as published by Moody’s Investors Service, Inc.

“b. For single premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the average over a period of twelve months, ending on June 30 of the calendar year of issue or year of purchase, of Moody’s Corporate Bond Yield Average - Monthly Average Corporates, as published by Moody’s Investors Service, Inc.

“c. For other annuities with cash settlement options and

guaranteed interest contracts with cash settlement options, valued on a year of issue basis, except as stated in paragraph b above, with guarantee duration in excess of ten years, the lesser of the average over a period of thirty-six months and the average over a period of twelve months, ending on June 30 of the calendar year of issue or purchase, of Moody's Corporate Bond Yield Average - Monthly Average Corporates as published by Moody's Investors Service, Inc.

"d. For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year of issue basis, except as stated in paragraph b above, with guarantee duration of ten years or less, the average over a period of twelve months, ending on June 30 of the calendar year of issue or purchase, of Moody's Corporate Bond Yield Average - Monthly Average Corporates as published by Moody's Investors Service, Inc.

"e. For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the average over a period of twelve months, ending on June 30 of the calendar year of issue or purchase, of Moody's Corporate Bond Yield Average - Monthly Average Corporates, as published by Moody's Investors Service, Inc.

"f. For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change in fund basis, except as stated in paragraph b above, the average over a period of twelve months, ending on June 30 of the calendar year of the change in the fund, of Moody's Corporate Bond Yield Average - Monthly Average Corporates as published by Moody's Investors Service, Inc.

"(E) Alternative Method for Determining Reference Interest Rates

"(1) In the event that Moody's Corporate Bond Yield Average - Monthly Average Corporates is no longer published by Moody's Investors Service, Inc. or in the event that the National Association of Insurance Commissioners determines that Moody's Corporate Bond Yield Average - Monthly Average Corporates as published by Moody's Investors Service, Inc. is no longer appropriate for the determination of the reference interest rate, then an alternative method for determination of the reference interest rate, which is adopted by the National Association of Insurance Commissioners and approved by regulation promulgated by the commissioner, may be substituted.

"(e) Commissioner's reserve valuation method and commissioner's annuity reserve valuation method.

"(1) Except as otherwise provided in subdivisions (3) and (4) of

subsection (e) and in subsection (i) of this section, reserves, according to the commissioner's reserve valuation method, or reserves for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums, shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums, for such benefits, excluding extra premiums on a substandard policy, that the present value at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of paragraph a over paragraph b of this subdivision as follows:

"a. A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided, however, that such net level annual premium shall not exceed the net level annual premium on the 19-year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy; and

"b. A net one-year term premium for such benefits provided for in the first policy year; provided, that for any life insurance policy issued on or after January 1, 1985 for which the contract premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such excess and which provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than such excess premium, the reserve according to the commissioner's reserve valuation method as of any policy anniversary occurring on or before the assumed ending date defined herein as the first policy anniversary on which the sum of any endowment benefit and any cash surrender value then available is greater than such excess premium shall, except as otherwise provided in subsection (i) of this section, be the greater of the reserve as of such policy anniversary calculated as described in the preceding paragraph and the reserve as of such policy anniversary calculated as described in that paragraph, but with (i) the value defined in subparagraph a of that paragraph being reduced by fifteen percent of the amount of such excess first year premium, (ii) all present values of benefits and premiums being determined without reference to premiums or benefits provided for by the policy after the assumed ending date, (iii) the policy being assumed to mature on such date as an endowment, and (iv) the cash surrender value provided

on such date being considered as an endowment benefit. In making the above comparison the mortality and interest bases stated in subsection (d) of this section, shall be used.

“(2) Reserves according the commissioner’s reserve valuation method for:

“a. Life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums;

“b. Group annuity and pure endowment contracts purchased under a retirement plan or a plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the Internal Revenue Code, as now or hereafter amended;

“c. Disability and accidental death benefits in all policies and contracts; and

“d. All other benefits, except life insurance and endowment benefits in life insurance policies and benefits provided by all other annuity and pure endowment contracts shall be calculated by a method consistent with the principles of subdivision (1) of this subsection (e) of this section.

“(3) Subdivision (4) of this subsection (e) of this section shall apply to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the Internal Revenue Code, as now or hereafter amended.

“(4) Reserves, according to the commissioner’s annuity reserves method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in such contracts, shall be the greatest of the respective excesses of the present values at the date of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits, provided for by such contracts at the end of each respective contract year, over the present value, at the date of valuation, of any future valuation considerations derived from future gross considerations, required by the terms of such contract, that become payable prior to the end of such respective contract year. The future guaranteed benefits shall be determined by using the mortality table, if any, and the interest rate, or rates, speci-

fied in such contracts for determining guaranteed benefits. The valuation considerations are the portions of the respective gross considerations applied under the terms of such contracts to determine non-forfeiture values.

“(f) Minimum aggregate reserves. — In no event shall an insurer’s aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, issued on or after January 1, 1972, be less than the aggregate reserves calculated in accordance with the methods set forth in subsections (e), (i) and (j) of this section and the mortality table, or tables, and rate, or rates, of interest used in calculating nonforfeiture benefits for such policies.

“(g) Optional reserve basis.

“(1) Reserves for all policies and contracts issued prior to January 1, 1972 may be calculated, at the option of the insurer, according to any standards which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by the laws in effect immediately prior to such date; and

“(2) For any category of policies, contracts or benefits specified in subsection (d) of this section issued on or after January 1, 1972, reserves may be calculated, at the option of the insurer, according to any standard, or standards, which produce greater aggregate reserves for such category than those calculated according to the minimum standard provided in this section, but the rate, or rates, of interest used for such policies and contracts, other than annuity and pure endowment contracts, shall not be higher than the corresponding rate, or rates, of interest used in calculating any nonforfeiture benefits provided for therein.

“(h) Lower valuations. — An insurer which at any time had adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard provided in this section may, with written notice thereof to the commissioner, adopt any lower standard of valuation, but not lower than the minimum provided in this section.

“(i) Minimum Reserves. — If in any contract year the gross premium charged by any life insurer on any policy or contract issued on or after January 1, 1972 is less than the valuation net premium for the policy or contract calculated by the method used in calculating the reserve thereon, but using the minimum valuation standards of mortality and rate of interest, the minimum reserve required for such policy or contract shall be the greater of either the reserve calculated according to the mortality table, rate of interest, and method actually used for such policy or contract, or the reserve calculated by the method actually used for such policy or contract but using the mini-

minimum valuation standards of mortality and rate of interest and replacing the valuation net premium by the actual gross premium in each contract year for which the valuation net premium exceeds the actual gross premium. The minimum valuation standards of mortality and rate of interest referred to in this subsection are those standards stated in subsections (c) and (d) of this section.

“Provided that for any life insurance policy issued on or after January 1, 1985 for which the gross premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such excess and which provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than such excess premium, the foregoing provisions of this subsection (i) shall be applied as if the method actually used in calculating the reserve for such policy were the method described in subdivisions (1) and (2) of subsection (e) of this section, ignoring the second paragraph of subdivision (1) of subsection (e) of this section. The minimum reserve at each policy anniversary of such policy shall be the greater of the minimum reserve calculated in accordance with subsection (e) of this section including the second paragraph of subdivision (1) of subsection (e) of this section, and the minimum reserve calculated in accordance with this subsection (i).

“(j) In the case of any plan of life insurance which provides for future premium determination, the amounts of which are to be determined by the insurer based on then estimates of future experience, or in the case of any plan of life insurance or annuity which is of such a nature that the minimum reserves cannot be determined by the methods described in subsections (e) and (i) of this section, the reserves which are held under any such plan must:

“(1) Be appropriate in relation to the benefits and the pattern of premiums for that plan, and

“(2) Be computed by a method which is consistent with the principles of this standard valuation law, as determined by regulations promulgated by the commissioner.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-784

S. 609—Mr. Higginbotham

AN ACT

To alter, rearrange and extend the boundary line and corporate limits of the City of Opelika in Lee County, Alabama, so as to include within the corporate limits of said city certain additional territory; and to provide further for the collection of school taxes in the additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Opelika in Lee County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of said city, in addition to the territory now included therein, all of the following territory, to wit:

Sections 26, 27 and 34, Township 20 North, Range 26 East. The South 3/4 of Sections 21, 22, and 23 of Township 20 North, Range 26 East; and Section 35 of Township 20 North, Range 26 East less and except the following which is already included in the present city limits. Commence at the northeast corner of said Section 35; then run South along the East section line of Section 35 for 2638.0 feet to a point and the point of beginning. From the said point of beginning run North 88 degrees 00 minutes West for 356.8 feet to a point; thence run North 89 degrees 00 minutes West for 435.0 feet to a point; thence run West for 186.5 feet to a point; thence run South 10 degrees 01 minutes West for 847 feet to a point; thence run North 86 degrees 49 minutes East for 347.0 feet to a point; thence run South 82 degrees 10 minutes East for 251.3 feet to a point; thence run South 89 degrees 41 minutes East for 529.9 feet to a point on the East section line of Section 35; thence run North along said section line for 832.0 feet to the point of beginning.

Section 2. Notwithstanding any law to the contrary, any school taxes being collected from the additional territory described in Section 1 of this act and being distributed to the Lee County Board of Education for the retirement of bonds which were sold prior to the effective date of this act, shall continue to be distributed to said County Board of Education until such bonds are fully paid.

Section 3. The following territory is excluded from the operation of this act, despite the inclusion of said territory in Section 1 hereof:

(a) From the SE corner of Sec. 21 T 20 N R 26 E go North 03° 16' W a distance of 630.0'; then S 86° 44' W along the South margin of Greenbriar Lane a distance of 660.0'; then S 03° 16' E 630.0; then N 86° 44' E to the point of beginning, a total area of 9.54 acres; and

(b) From the SW corner of Sec. 22 T 20 N R 26 E go North $86^{\circ} 44'$ E a distance of 865.5' to a point at the westerly margin of Lee County HWY #35; then N $05^{\circ} 02'$ E for 519.0; then N $05^{\circ} 26'$ E for 117.9' to the South margin or Greenbriar Lane, then S $86^{\circ} 44'$ W a distance of 958.3' along the South margin or said Greenbriar Lane, then go S $03^{\circ} 16'$ E a distance of 630.0' to point of beginning. A total area of 13.18 acres.

(c) A parcel of land located in Sections 21 and 22, Township 20 North, Range 26 East, in Lee County, Alabama, and being more particularly described as follows: Commence at the northeast corner of said Section 21; thence run N. $88^{\circ} 52'$ W. for 1107.0 feet to a point; thence run S $1^{\circ} 49'$ W. to the intersection point of the one-quarter section line running east and west and lying in the north half of said Section 21 said point being the point of beginning. From said point of beginning, run S $1^{\circ} 49'$ W to a point on the north margin of Lee County Highway #30; thence run S $88^{\circ} 11'$ E. along said north margin 2567.0 feet to the point of intersection of said margin of Lee County #30 with the westerly margin of an unpaved county road; thence run N. $20^{\circ} 36'$ W along said westerly margin to the intersection point of the one-quarter section line running east and west and lying in the north half of said section 22; thence run in a westerly direction along said one-quarter section line to the point of beginning.

(d) The west one-half of the southwest quarter of Section 27, Township 20 North, Range 26 East, and the northwest quarter of the northwest quarter of Section 34, Township 20 North, Range 26 East, in Lee County, Alabama.

(e) A parcel of land located in Section 34, Township 20, North, Range 26 East, in Lee County, Alabama, and being more particularly described as follows: Commence at the northeast corner of said section 34, thence run west along the north line of said section 34 for 3,960 feet to a point and the point of beginning. From said point of beginning run south for 880.44 feet to a point; thence run east for 989.34 feet to a point; thence run north 880.44 feet to a point; thence run west for 989.34 feet to a point and the point of beginning.

Also: A parcel of land located in Section 27, Township 20 North, Range 26 East, in Lee County, Alabama, and being more particularly described as follows: Commence at the southeast corner of said section 27, thence run west along the south line of said section 27 for 3,960 feet to a point and the point of beginning. From said point of beginning run north for 330.0 feet to a point; thence run east for 989.34 feet to a point; thence run south for 330.0 feet to a point; thence run west for 989.34 feet to a point and the point of beginning.

(f) A parcel of land located in the north half of Section 22,

Township 20 North, Range 26 East, in Lee County, Alabama, and being more particularly described as follows: Begin at the southeast corner of the northeast corner of said Section 22; thence run West along the one-half section line running east and west through said Section 22 to the center line of Lee County Road No. 35; thence run N. 22° 10' W., along the center line of said road to that point where one-quarter section line running east and west and lying in the north half of Section 22 intersects the center line of said road; thence run east along said quarter section line to the east section line of said Section 22; thence run south along said section line to the point of beginning.

(g) Tract 4-B of a re-subdivision of Tract Four, Rolling Acres, as shown in Plat Book 10, page 138 in the office of the Judge of Probate of Lee County, Alabama.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The following territory is excluded from the operation of this act, to wit:

From the southeast corner of Section 21, Township 20 North, Range 26 East, go thence 1,320.2 feet to an iron pin which marks the point of beginning of the property here intended to be described. From said point of beginning, go thence South 86° 44' West for 1,319.8 feet to an iron pin for a point; thence North 04° 01' West for 660.05 feet to a point; thence North 86° 44' East for 1,328.44 feet to a point; go thence South 03° 16' East for 660.0 feet to said point of beginning.

The above described property is located in Southeast Quarter of Section 21, Township 20 North, Range 26 East, Lee County, Alabama, and contains 20.06 acres, more or less.

The following territory is excluded from the operation of this act, to wit:

From the Southeast corner of Section 21, Township 20 North, Range 26 East, go thence South 86° 44' West for 660.0 feet to an iron pin which marks the point of beginning of the property here intended to be described. From said point of beginning, run thence South 86° 44' West for 660.2 feet to an iron pin for a point; run thence North 03° 16' West for 630.0 feet to an iron pin for a point; run thence North 86° 44' East for 660.2 feet to an iron pin for a point; run thence South 03° 16' East for 630.00 feet to said point of beginning.

The above described property is located in the Southeast Quarter of Section 21, Township 20 North, Range 26 East, Lee County, Alabama and contains 9.55 acres, more or less.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-785

S. 8—Mr. Gulledge

AN ACT

To amend Section 22-21-77 of the Code of Alabama 1975, so as to further provide for the powers of county hospital boards and corporations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-21-77 of the Code of Alabama 1975, is amended to read as follows:

“§ 22-21-77. The corporation shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

“(1) To have succession by its corporate name for the duration of time, which may be in perpetuity, specified in its certificate of incorporation or until dissolved as provided in section 22-21-82;

“(2) To maintain actions and have actions maintained against it and to defend actions maintained against it;

“(3) To make use of a corporate seal and to alter the same at pleasure;

“(4) To receive, acquire, take and hold, whether by purchase, gift, lease, devise or otherwise, real and personal estate of every description and to manage and dispose of same by any form of legal conveyance or transfer;

“(5) To acquire, construct, equip, enlarge, improve, maintain and operate a hospital and to do all things necessary to that end;

“(6) With the approval of the board of directors, to design, construct, purchase or otherwise acquire hospitals, clinics and other hospital facilities, and to lease or otherwise make available such facilities to such persons, firms, partnerships, associations or corporations and on such terms as they deem to be necessary and appropriate and consistent with the maintenance of public health services and facilities;

“(7) To conduct nurses' training schools;

“(8) To borrow money and to issue interest-bearing securities in evidence of the borrowing;

“(9) To mortgage, pledge or otherwise convey its property and its revenues from any source;

“(10) To appoint and employ such officers and agents, including attorneys, as the business of the corporation may require.

“(11) To establish and collect and alter charges for services rendered and supplies furnished by it;

“(12) To make rules and regulations for the treatment of charity patients and for the conduct of any hospital owned or operated by it and to alter such rules and regulations;

“(13) To provide for such insurance as the corporation may deem advisable;

“(14) To cooperate with the state board of health, to make such contracts with it as the board of directors of the corporation may deem advisable respecting the operation of any hospital and to take such action not in violation of law as may be necessary in order to qualify the corporation to receive funds appropriated by the United States or the state of Alabama; and

“(15) To invest in direct general obligations of the United States and any trust fund established under and subject to the general laws of this state for investment or self-insurance purposes with investment authority as may be authorized by law for such trusts any funds of the corporation which its board of directors may determine are not presently needed for its corporate purposes.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-786

S. 34—Mr. deGraffenried

AN ACT

To provide that any person, who is a retired teacher and retired under the provisions of the Teachers' Retirement System of Alabama, and who subsequent to said retirement becomes the Acting President of the University of Alabama, may elect to resume his participation in the Teachers' Retirement System of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who is a retired teacher, and retired

under the provisions of the Teachers' Retirement System of Alabama, and who subsequent to said retirement becomes the Acting President of the University of Alabama, may elect to resume his participation in the Teachers' Retirement System of Alabama.

Section 2. Should any person make such election as set forth in section one of this act, his retirement benefits shall cease and the reserves remaining for his pension and annuity and all his service credits shall be transferred to the appropriate funds and accounts maintained for active members. Upon restoration to active service the member shall receive full rights, privileges and benefits under the Teachers' Retirement System of Alabama for his total years of service thereunder.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-787

S. 106—Messrs. Holmes, Keener, Britnell,
Robertson, Mitchem, Barron,
Lemaster, Harrison, Parsons,
Martin, Hall, Gullledge, Vacca and
Cook

AN ACT

To amend § 40-17-220, Code of Alabama, 1975 to provide that purchases of gasoline, motor fuel and lubricating oil by city and county boards of education shall be exempt from taxation under the levy provided for in § 40-17-220, Code of Alabama, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. § 40-17-220, Code of Alabama, 1975 is hereby amended as follows:

“§ 40-17-220. Levy of tax; collection and remittance; United States certificates of exemption; exemptions from article.

(a) There is hereby levied in addition to all other taxes of every kind now imposed by law an excise tax on gasoline, motor fuel and lubricating oil of \$.04 per gallon, which shall be collected as herein provided.

(b) Every manufacturer, distributor, refiner, retail dealer, storer

or user of gasoline, motor fuel or lubricating oil shall collect and pay over to the state department of revenue an excise tax of \$.04 per gallon upon the selling, use or consumption, distributing, storing or withdrawing from storage in this state for any use of gasoline, motor fuel or lubricating oil as defined or otherwise referred to in this article, except gasoline, motor fuel and lubricating oil expressly exempted by the provisions of this article. Provided, that where any excise tax imposed by this section upon the sale, use or consumption, distribution, storage, withdrawal from storage in this state of such gasoline, motor fuel or lubricating oil shall have been paid to the state by a manufacturer, distributor, refiner or by any retail dealer, storer or user, such payments shall be sufficient, the intent being that the tax shall be paid to the state but once.

(c) The state department of revenue is hereby authorized to issue to the United States certificates of exemption, upon forms prescribed by the department, for use by the United States in purchasing gasoline, motor fuel or lubricating oil taxed by this section within the state of Alabama and which is paid for by the United States. Any person in reporting and paying the tax to the department may deduct the number of gallons of such products taxed by this section sold to the United States, as shown by such certificate of exemption duly executed by the United States and filed with such report, and the department is authorized to adopt rules and regulations with respect to the issuance and use of such certificates.

(d) The following are expressly exempted from the provisions of this article:

(1) Gasoline and other fuel used to propel aircraft powered by reciprocating engines, any fuel used to propel aircraft powered by jet or turbine engines and lubricating oil used in such aircraft;

(2) Gasoline and motor fuel used to propel ships, vessels, barges, railroad locomotives, other railroad equipment, and lubricating oil used in ships, vessels, barges, railroad locomotives and other railroad equipment;

(3) Gasoline, motor fuel and lubricating oil sold to be used for agricultural purposes;

(4) Gasoline, motor fuel and lubricating oil sold to governing bodies of counties and incorporated municipalities;

(5) Gasoline, motor fuel and lubricating oil sold to be used in off-road vehicles which presently do not require state licensing; specifically, but not limited to, forklifts and other like devices not for use on the streets and highways of this state; and

(6) Gasoline, motor fuel and lubricating oil sold to city and

county boards of education.”

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective upon the first day of the second month following its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-788

S. 146—Mr. deGraffenried

AN ACT

To amend Sections 12-16-58, 12-16-70, 12-16-74, 12-16-76, 12-16-100 to provide for the drawing, selecting, empaneling, and summoning of juries in both civil and criminal cases; to provide a random selection formula for filling the master jury box; to abolish the requirements of a special venire and that excusals be heard in the presence of the defendant; to provide for a minimum number of qualified jurors from which to strike in criminal cases and to provide for the number of strikes available to the district attorney and the defendant; and further to provide for an optional combined qualification and summons process from the master list that, notwithstanding any provisions of Title 12, Section 16, Code of Alabama 1975, which eliminates the master jury box and modifies the juror qualification process; to provide for computerization of the selection process; and to repeal Sections 12-16-71, 12-16-75, 12-16-77, 12-16-79, 12-16-102, 12-16-120, 12-16-121, 12-16-122, 12-16-123, 12-16-124, 12-16-125, 12-16-126, and 12-16-127, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-16-58, Code of Alabama 1975, is hereby amended to read as follows:

“Section 12-16-58. (a) The name or identifying number of every prospective juror whose name is drawn from the master list pursuant to subsection (b) shall be set forth on a card and placed in the master jury box as provided in this section.

(b) The number of names or identifying numbers to be placed in the master jury box shall be a minimum of 1,000 plus one percent of the total number of names on the master list. From time to time names or identifying numbers of additional prospective jurors may be placed in the master jury box as determined by the jury commission or ordered by the circuit court. The master jury box shall be emptied and refilled by December 31 of each even numbered year.

(c) The names or identifying numbers of prospective jurors which shall be placed in the master jury box shall be selected by the

jury commission at random from the master list as follows:

The total number of names on the master list shall be divided by the number of names to be placed in the master jury box and the whole number next greater than the quotient shall be the key number, except that the key number shall never be less than two. A starting number for making the selection shall then be determined by a random method from the numbers one to the key number, both inclusive. The required number of names shall then be selected from the master list by taking in order the first name on the master list corresponding to the starting number and by then taking successively the names appearing on the master list at intervals equal to the key number, recommencing if necessary at the start of the list until the required number of names has been selected. Upon recommencing at the start of the list, or if additional names are subsequently selected for the master jury box, names previously selected from the master list shall be disregarded in selecting additional names."

Section 2. Section 12-16-70, Code of Alabama 1975, is amended to read as follows:

"Section 12-16-70. When jurors, grand or petit, are needed for any week of court, the judge, or where there are more than one, then any one of the judges of the court, shall at a time within his discretion, but at least twenty days prior to the first day on which the prospective jurors are to serve, draw or cause to be drawn from the trial court jury box the names of prospective jurors in a number he deems sufficient to obtain the juries needed for the period for which the names are drawn; provided, however, if prior to the first day of service, it appears that an insufficient number of prospective jurors summoned will be available to constitute the juries for the period for which they were summoned, the court shall cause the names of additional prospective jurors to be drawn and to be summoned for service forthwith.

After each name is drawn it shall not be returned to the trial court jury box. The names so drawn shall be forwarded forthwith to the clerk of the court who shall retain possession thereof without disclosing to anyone the names drawn nor any list thereof. Not less than twenty days before the day the prospective jurors are to first appear in court for service as jurors, the clerk shall make a list of the names drawn, showing the date on which the prospective jurors shall appear and in what court they shall serve and shall enter opposite every name the residence address, and may include, for informational purposes to counsel, the occupation of the person and his place of business and the clerk shall issue a venire list containing the names and information to the sheriff who shall forthwith summon the persons named thereon by any means authorized by law to appear and serve as jurors. The accuracy of any information which might

be furnished to counsel shall not be grounds for challenging a verdict rendered by a jury.

Section 3. Section 12-16-74, Code of Alabama 1975, is hereby amended to read as follows:

“Section 12-16-74. The court shall require the names to be called from the venire list of all persons who have been served with a summons to appear in court that day for service as jurors and whose service has not been previously excused or postponed. The court may hear any excuses not previously heard and shall pass upon the qualifications of those in attendance. The court may in any case, including capital cases, excuse or postpone the service of any prospective juror outside the presence of the parties and their counsel in accordance with the provisions for excusal contained in Section 12-16-63, Code of Alabama 1975.

If a grand jury is to be empaneled, the court shall draw from the venire list on a random basis the names of 18 persons qualified and in attendance who shall be sworn and empaneled as the grand jury. If a petit jury is also to be empaneled, all qualified persons remaining whose service is not excused or postponed shall be sworn as petit jurors. If no grand jury is to be empaneled, all persons appearing who are qualified and not excused or whose service is not postponed shall be sworn as petit jurors. The court shall then cause to be randomly compiled a master strike list containing the names of all petit jurors so sworn as jurors for the week.”

Section 4. Section 12-16-76, Code of Alabama 1975, is hereby amended to read as follows:

“Section 12-16-76. Whenever there are not enough qualified jurors in attendance upon the court to form the juries required, the judge of the court shall draw from the trial court jury box names of as many prospective jurors as he may deem necessary to complete the empaneling of all juries then required. The court shall forthwith cause to be summoned all prospective jurors thus drawn to attend court when required, and they may be summoned by personal service or by telephone. The court shall then proceed to empanel or complete the empaneling of the juries as provided in this article.

If, prior to commencement of striking, due to challenges for cause or for any other reason, the number of names on the lists from which the parties are to strike is reduced below the minimums established in Section 12-16-100 in criminal cases or 12-16-140 in civil cases, unless the parties agree to strike from such lesser number, the court shall fill the deficiency first from the remaining available petit jurors sworn for the week. If the number of available petit jurors sworn for the week is insufficient to fill the deficiency, the remaining deficiency shall

in the discretion of the court be filled by waiting until other petit jurors sworn for the week become available or by randomly drawing or causing to be drawn from the trial court jury box at least twice the number of names needed to fill the deficiency remaining. The court shall forthwith cause to be summoned all prospective jurors thus drawn in any of the manners set forth in this section. The names of those persons found competent to hear the case shall be added to the strike list in at least the number necessary to fill the deficiency.

Section 5. Section 12-16-100, Code of Alabama 1975, is hereby amended to read as follows:

“Section 12-16-100. In every criminal case the jury shall be drawn, selected and empaneled as follows: Upon the trial by jury in the circuit courts of a persons charged with a felony, including a capital felony, a misdemeanor, or violation, or upon an appeal to the circuit court from any lower courts, the court shall require a strike list or lists to be compiled from the names appearing on the master strike list as established in Section 3 of this act. In compiling the list or lists, names of qualified jurors may be omitted on a non-selective basis. A strike list shall be furnished for the trial of any case at hand and a copy thereof given to all parties. The jurors whose names appear thereon shall be brought into open court, the case called and in the presence of the district attorney, the defendant and his attorney, shall be examined on voir dire for the trial of the case at hand. At the conclusion of the voir dire examination and the removal from the strike list of the names of those jurors who were challenged or excused for good reason, the district attorney shall be required first to strike from the strike list the name of one juror, and the defendant shall strike two, and they shall continue to strike off names alternately until only 12 jurors remain on the strike list and these 12 jurors thus selected shall be the jury charged with the trial of the case; provided, however, that this act shall not affect the provisions of any law now in effect or hereafter enacted, including any act passed during the session at which this act is passed, which establishes one-for-one strikes in a criminal case, or which establishes the selection and use of alternate jurors. If any defendant shall refuse to exercise a strike to which he is entitled, then the judge presiding shall exercise that defendant's strike for him. The number of names appearing on the strike list upon commencement of striking, unless a lesser number is agreed to by the parties, shall not be less than 36 if the offense charged is a capital felony nor less than 24 if the offense charged is a felony not punished capitally nor less than 18 if the offense charged is a misdemeanor or violation. No special venire shall be ordered, drawn, or summoned for the trial of any person indicted for a capital felony.”

Section 6. Notwithstanding any provision of Title 12, Chapter 16, Code of Alabama 1975, the presiding circuit judge, with the consent of the circuit judges of the court, may elect to utilize the following alternate juror selection and qualification plan after notice to the administrative director of courts, which eliminates the master jury box and the interposition of the jury commission in the qualifying process, and embraces and combines the qualification and summoning process, as follows:

The jury commission shall meet and cause to be compiled and maintained a master list of persons in the county, together with their residence addresses, who may be called for jury service. The list shall be compiled and maintained, avoiding duplication as far as possible, from one or more of the sources named in Section 12-16-57 to include persons whose listings will foster the policy and protect the rights provided in Sections 12-16-55 and 12-16-56. This list shall be compiled prior to the implementation of the alternate plan and shall be revised by December 31 of each even numbered year thereafter.

When jurors, grand or petit, are needed for any future term or terms of court, at least twenty days prior to the first day on which the prospective jurors are to serve, the presiding circuit judge or a circuit judge designated by him shall cause to be randomly drawn from the master list the names of prospective jurors in a number he deems sufficient to obtain the juries needed for the term or terms for which the names are drawn; provided, however, if prior to the first day of service, it appears that an insufficient number of the prospective jurors summoned will be available to constitute the juries for the period for which their names were drawn, the court shall cause the names of additional prospective jurors to be drawn randomly and cause them to be summoned for service forthwith. The prospective jurors whose names are drawn, along with any other person whose jury service has been postponed to such time, shall be summoned by first class mail notwithstanding any other provision of law; the cost of summoning the prospective jurors under this alternate plan shall be an expense of the court.

Prior to the date on which a prospective juror has been summoned to appear, the presiding circuit judge, or a court official designated by him, shall have the authority to disqualify the prospective juror or to excuse or postpone his service to any future date, notwithstanding the provisions of any other law.

On the day the prospective jurors have been summoned to appear in court, a circuit judge shall examine the prospective jurors on oath touching upon their qualifications as jurors and either qualify or disqualify them in accordance with the provisions for qualification contained in Section 12-16-60. Those persons qualified and whose jury

service is not excused or postponed shall become the venire from which grand or petit juries are chosen in accordance with other provisions of law.

The presiding circuit judge, with the consent of the circuit judges of the court, may at any time elect to discontinue use of the alternate plan and to proceed according to other available provisions of this article.

Section 7. Any of the procedures established in Title 12, Chapter 16, Code of Alabama 1975, governing the selecting, qualifying, drawing, summoning, and empaneling of juries (including but not limited to any one or all of the following procedures: compilation and maintenance of the master list; the combined qualification and summoning process; the selection and maintenance of the trial court jury box, including the preparation and issuance of qualification questionnaires; the drawing from the trial court jury box; the preparation of the venire list and summons; or the compilation of the master or other strike lists) may be accomplished and maintained by mechanical or electronic data processing equipment available to an individual county or to several counties, or centralized for all the counties or any combination thereof after written notice to the administrative director of courts. The actual presence of any official normally required to be present shall not be required when mechanical or electronic data processing equipment is used to implement any of the foregoing procedures.

Any procedure accomplished by mechanical or electronic data processing equipment shall be performed in accordance with any random selection requirement of Title 12, Chapter 16, Code of Alabama 1975, and shall be open to public inspection, and further, shall constitute a public drawing or selection.

Section 8. The following sections are hereby repealed:

Section 12-16-71, 12-16-75, 12-16-77, 12-16-79, 12-16-102, 12-16-120, 12-16-121, 12-16-122, 12-16-123, 12-16-124, 12-16-125, 12-16-126, and 12-16-127, Code of Alabama 1975.

Section 9. All laws or parts of laws which are in conflict with this act are hereby repealed.

Section 10. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This act shall become effective January 1, 1982.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-789

S. 185—Mr. Little

AN ACT

To amend Section 26-14-1, Code of Alabama 1975, relating to the reporting of abuse or neglect of children, so as to explicitly add the terms "sexual exploitation" or "attempted sexual exploitation" to the definition of child abuse and to explicitly define the terms "sexual abuse" and "sexual exploitation."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 26-14-1, Code of Alabama 1975, is hereby amended to read as follows:

"For the purposes of this chapter, the following terms shall have the meanings respectively ascribed to them by this section:

(1) **ABUSE.** Harm or threatened harm to a child's health or welfare. Harm or threatened harm to a child's health or welfare can occur through nonaccidental physical or mental injury, sexual abuse or attempted sexual abuse, or sexual exploitation or attempted sexual exploitation. 'Sexual abuse' includes rape, incest, and sexual molestation, as those acts are defined by Alabama law. 'Sexual exploitation' includes allowing, permitting, or encouraging a child to engage in prostitution; and allowing, permitting, encouraging or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes.

(2) **NEGLECT.** Negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical treatment, clothing or shelter; provided, that a parent or guardian legitimately practicing his religious beliefs who thereby does not provide specified medical treatment for a child, for that reason alone, shall not be considered a negligent parent or guardian; however, such an exception shall not preclude a court from ordering that medical services be provided to the child, where his health requires it.

(3) **CHILD.** A person under the age of 18 years.

(4) **DULY CONSTITUTED AUTHORITY.** The chief of police of a municipality or municipality and county; or the sheriff, if the observation of child abuse or neglect is made in an unincorporated territory; or the department of pensions and security; or any person, organization, corporation, group or agency authorized and designated by the department of pensions and security to receive reports of child abuse and neglect; provided, that a 'duly constituted authority' shall not include an agency involved in the acts or omissions of the reported child abuse or neglect."

Section 2. The provisions of this Act are severable. If any part

or parts of the Act shall be declared unconstitutional or void, such declaration shall not affect the remainder of this Act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-790

S. 297—Mr. Pearson

AN ACT

To exempt the Alabama Goodwill Industries, Inc., of Birmingham from payment of all state, municipal, and county sales and use taxes, retroactively to the fiscal year commencing October 1, 1980 as intended by the Legislature in Act #670 of 1978.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Goodwill Industries, Inc., of Birmingham is hereby exempted from paying any state, municipal, or county sales and use taxes.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act shall have retroactive effect commencing October 1, 1980 as intended by the Legislature in Act 670 of 1978.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-791

S. 585—Mr. Lemaster

AN ACT

To provide an appropriation of funds which are available to the Division of Employment Security of the Alabama Department of Industrial Relations out of funds credited to this State's account in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America pursuant to Section 903 of the Social Security Act, as amended, for the purpose of purchasing land and constructing a building in

Ft. Payne, Alabama, and at such other locations as the Director shall determine to be in the best interest of the State and/or purchasing furnishings and equipment therefor and the cost of which does not in total exceed the amount of the appropriation. Such buildings are to be occupied by the Division of Employment Security of the Department of Industrial Relations of the State of Alabama, the same to be used exclusively by employees of said Division of Employment Security.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Department of Industrial Relations out of the monies credited to this State's account in the Unemployment Trust Fund, by the Secretary of the Treasury of the United States of America, pursuant to Section 903 of the Social Security Act, as amended, the sum of \$186,500 or so much thereof as may be necessary, to be used under the direction of the Director of Industrial Relations for the purpose of purchasing land and constructing a building in Ft. Payne, Alabama, and at such other locations as the Director shall determine to be in the best interest of the State and/or purchasing furnishings and equipment therefor and the cost of which does not in total exceed the amount of the appropriation. Such buildings are to be occupied by the employment security division of the department and used exclusively by employees of said Division. The preparation of all plans and specifications for any building or addition to any building constructed wholly or in part with any of the appropriations made herein, and any work done hereunder in regard to construction of or addition to any building, existing or new, with any of the appropriation made herein, shall be supervised by the Alabama Building Commission or any agency that may be designated by the Legislature as its successor.

Section 2. No part of the money hereby appropriated may be obligated after the expiration of the 2-year period beginning on the date of enactment of this Act. Money requisitioned pursuant to this Act shall, until expended, remain a part of the Unemployment Trust Fund. Any unexpended balance shall revert to this State's account in the Unemployment Trust Fund at the close of such 2-year period, or at such earlier date as is practicable.

Section 3. The amount obligated pursuant to this Act during any 12-month period beginning on a July 1st and ending on the next June 30th, shall not exceed the amount by which (a) the aggregate of the amounts credited to the account of this State pursuant to Section 903 of the Social Security Act during such 12-month period and the fourteen preceding 12-month periods exceeds (b) the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this State during such fifteen 12-month periods.

Section 4. All laws and parts of laws in conflict herewith are

hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-792

S. 608—Mr. Gulledge

AN ACT

To create the Historic Blakeley Authority to establish as a state park the lands in Baldwin County known as the Blakeley site; provides for membership on the board of the authority; provides that the board shall have corporate powers; provides for the issuance of bonds; and provides that the authority shall employ personnel to operate and maintain the state park.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the Historic Blakeley Authority to establish, develop, operate, promote, protect, preserve, and maintain as a state historic park the lands in Baldwin County, Alabama listed on the National Register of Historic Places as the Blakeley site along with re-constructed buildings and all other present and future improvements within said sites including but not limited to, the specific sites of Old Town Blakeley, Civil War battlegrounds, breastworks, batteries and encampments; early American military encampments; sites of Indian villages and encampments; period French plantations; early American residences, farms, homes, businesses and commercial sites and buildings; civilian and military roads and turnpikes; significant natural plant and animal life and its habitat and specifically threatened or endangered plant and animal species; to protect and preserve bays, bayous, streams, marshlands, swamps and shorelines of rivers, bays and streams within the National Register site including bottomlands of all rivers and streams within or along the Blakeley site; to preserve and protect archaeological sites; to establish, develop, promote and maintain educational and cultural programs and facilities consistent with the role and influence of Blakeley in Alabama history; to develop, build, manage, operate, promote and maintain any and all types of public and private facilities consistent with the reconstruction of historic Old Town Blakeley and the development of an historic and recreational park and cultural center.

Section 2. The Authority shall be composed of 21 members as follows:

(A) Two representatives of education, one to be appointed by the President of the University of South Alabama for a two year term and one to be appointed by the Baldwin County Board of Education from among school board members who are residents of the geographic area that is now Baldwin County Commission District No. 2 for a two year term;

(B) Four elected public officials or their representatives who shall be (1) the chairman of the Baldwin County Commission or a member of the Baldwin County Commission to be chosen by the Commission to serve during that commissioner's term of office (2) the Sheriff of Baldwin County during his term of office (3) the Alabama House of Representatives District 95 member during his term of office (4) The governor of the State of Alabama or a representative appointed by him to serve during the governor's term of office;

(C) Three representatives of historic organizations as follows (1) the president of the Baldwin County Historic Society or a person designated by the president for a two year term (2) A representative of the Fort Bowyer Chapter, Daughter of the American Revolution to be chosen by the chapter for a two year term (3) The president of Descendents of Blakeley Residents or a person designated by the president for a six year term.

(D) Three representatives of public service and civic organizations as follows (1) A representative of the Eastern Shore Chamber of Commerce to be selected by the organization for a two year term (2) the chairman of the board of directors of the Tallulah Bankhead Center for the Performing Arts for a four year term (3) the chairman of the Blakeley Courthouse Museum Board for a term of four years.

(E) Nine at large members to be appointed by the Governor from nominations submitted by the Historic Blakeley Foundation according to the following: (1) Places 1-4 for six year terms commencing with their appointment by the Governor; (2) Places 5-7 for four year terms commencing with the appointment by the Governor; (3) Places 8-9 for two year terms commencing with their appointment by the Governor. Upon completion of the initial staggered terms all subsequent appointments of Authority members in Category E shall be by the same method except they shall be for terms of four years.

Vacancies on the board during a term shall be filled for the unexpired portion of the term in the same manner and by the same appointing authority as the member whose place is being filled.

Section 3. No member of the Authority shall receive any pay or emolument other than his expenses incurred in the discharge of his duties as a member of the Authority, which expenses shall be paid in the amounts provided for by the current Code of Alabama. All such

expenses shall be paid from the funds of the Authority.

Section 4. It shall be unlawful for any member of the Authority or any employee thereof to charge, receive or obtain, either directly or indirectly, any fee, commission, retainer or brokerage out of the funds of the Authority, and no member of the Authority or officer or employee thereof shall have any interest in any land, materials or contracts sold to or made or negotiated with the Authority or with any member or employee thereof acting in his capacity as a member or employee of such Authority. Violation of any provisions of this section shall be a misdemeanor and, upon conviction, shall be punishable by removal from membership or employment and by a fine of not less than \$100.00 or by imprisonment not to exceed six months, or both.

Section 5. The Authority shall hold an annual meeting at Blakeley each September on a day designated by the chairman. Eleven members shall constitute a quorum for the transaction of business. Additional meetings may be held at such times and places within the state as may be necessary, desirable or convenient upon call of the chairman or, in the case of his absence or incapacity, of the vice-chairman or on the call of any twelve members of the Authority. The Authority shall determine and establish its own organization and procedure in accordance with the provisions of this division, and shall have an official seal. The Authority shall elect its chairman, its vice-chairman, its secretary and its treasurer, and such officers shall hold office for a period of two years or until a successor is elected. Neither the secretary nor the treasurer need be members of the Authority. The Authority may require that the treasurer thereof be bonded in an amount to be determined by the Authority.

Section 6. The Authority shall constitute a body corporate and shall have, in addition to those set forth specifically in this division, all powers necessary or convenient to effect the purposes for which it has been established under and by the terms of this division, together with all powers incidental thereto or necessary to the discharge of its said powers and duties, together with all powers and duties set forth in Sections 41-10-141 through 41-10-147, Code of Alabama 1975, known as the Historical Preservation Authorities Act of 1979.

Section 7. (A) The Authority is authorized to take possession under a lease or a deed or other instrument granting use or easement property in Baldwin County, Alabama within the Blakeley National Register site which is now owned by the Historic Blakeley Foundation or others. The Authority is further authorized to lease, purchase, accept as a gift or loan or otherwise acquire any other property, real or personal, including gifts or bequests of money or other things of value to be used in fulfilling the purpose for which it is established

or for any auxiliary purpose incidental or appropriate thereto.

(B) The Authority is also authorized to borrow money and issue revenue bonds in evidence thereof, but no such bonds shall be general obligations of the State of Alabama or any agency or any political subdivision thereof. Nor shall such Authority pledge to the payment of any such loans the land. It may, however, pledge to the repayment thereof buildings, exhibits, utilities, docks, roads, walks or other appurtenances; or improvements made by the Authority and it may pledge to the repayment thereof the proceeds derived from admission fees or charges or other fees or charges made in connection with such park or historical site.

Section 8. (A) The Authority shall operate or provide for the operation of the park or historic site hereby provided for and any appurtenances thereto in such manner as to facilitate its exhibition to the public either with or without a charge. If the Authority, in its discretion, decides that a charge is appropriate, then the Authority shall fix and provide for the collection of such charge or charges as it deems appropriate for admission to the park and for the use, viewing of or other enjoyment of exhibits and other facilities appurtenant to the park.

(B) The Authority may enter into agreements with any civic organization, lay group or industrial, professional, educational or governmental organization relative to the general management of the park or historic site.

(C) The Authority is also specifically authorized to accept gratuitous services from individuals and organizations and to employ such rangers, guides, maintenance people, guards, superintendents and professional staff and other employees as, in its opinion, are needed for the operation and exhibition of such park or historic site.

Section 9. The county commission of any county or governing body of any municipality in this state shall be authorized, by resolution duly adopted and recorded, to appropriate any available public funds not otherwise pledged to the use of the Authority and shall be authorized to construct and maintain roads and bridges and other public facilities and improvements on Authority owned or controlled land.

Section 10. The Authority shall have a tax-exempt status, and the properties of the Authority and the income therefrom, all lease agreements and contracts made by it, all bonds issued by it and the coupons applicable thereto and the income therefrom and all indentures executed with respect thereto shall be forever exempt from any and all taxation by the state of Alabama and any political subdivision thereof, including, but not limited to, income, admission, amusement,

excise and ad valorem taxes.

Section 11. (A) All full-time employees of the Authority shall be treated as state employees for the purpose of participating in any insurance programs provided for state employees.

(B) The Authority is hereby authorized and empowered to pay the employer's contributions to any such programs out of any funds appropriated them or available to them for any purpose whatsoever, and it may deduct the employees' contributions for such programs by means of payroll deductions or otherwise from any salary or compensation paid said employees.

Section 12. The Authority shall be a state agency and shall have exclusive control over the Blakeley site, the historic park, recreational areas, all improvements and exhibits located thereon and any additions constructed, created, leased, acquired or erected in connection therewith. The Authority shall have the power and authority to establish and promulgate and from time to time alter, amend or repeal rules and regulations concerning the preservation, protection and use of the Blakeley historic site and to preserve the peace therein. Any person who violates any rule or regulation so established and promulgated shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000.00 or imprisonment for not more than one year, or both, and may be adjudged to pay all costs of the proceedings. The Authority members shall have and are hereby vested with full police power to prefer charges against and to make arrests of any person or persons violating any such rule or regulation. The Authority shall have full authority to designate any employee or employees of the Authority as deputy police officers, who shall have full authority to prefer charges against or to make arrests of any person or persons violating any rule or regulation established and promulgated by the Authority as provided hereunder.

Section 13. The original charter of the Town of Blakeley by Act of the Alabama Legislature in 1818 strengthened by an act of the Alabama State Legislature in 1820 and never revoked following demise of the town is hereby reaffirmed and the Town of Blakeley is recognized as a municipality of the State of Alabama whose boundaries are hereby established as those of the National Register site. Members of the Authority and any other persons over the age of 21 whom the Authority may designate their place or places of residence in Alabama notwithstanding shall be recognized as citizens of the Town of Blakeley for the purpose of conducting elections of town officials and other town business decided by referendum until such time as citizens shall elect to come within the general provisions of the Code of Alabama as to government of municipalities. Until such time as the Town of Blakeley citizens decide on an alternative form

of government the Authority shall be recognized as the governing body of the Town of Blakeley and is hereby empowered to elect from Blakeley citizens a mayor and members of town council to serve according to terms of office to be set by the Authority.

Section 14. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. All laws or parts of laws which conflict with this act are hereby repealed.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-793

S. 278—Mr. Mitchem

AN ACT

To amend Section 8-17-85, Code of Alabama 1975, by raising annual permit fees from \$1.00 to \$10.00.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8-17-85, Code of Alabama 1975, is amended to read as follows:

“§ 8-17-85. Examinations and tests; permit required for sale, storage, etc.; permit application, fee and expiration date; nonapplicability of section to certain persons.

(a) All petroleum products sold, offered for sale, used or stored in the state shall be subject to examination and tests to determine the safety of such products and their value and efficiency for the purposes for which they are sold, offered for sale, used or stored.

(b) Before selling, offering for sale, storing or using petroleum products in the state, the person desiring to sell, offer for sale, store or use such petroleum products in the state must submit to the commissioner of agriculture and industries a written application for a permit, upon forms furnished by the commissioner, setting forth:

(1) The name and brand under which any petroleum product is to be sold, offered for sale, stored or used;

(2) In case said petroleum product is to be sold, offered for sale, stored or used in tanks, barrels, cans or other containers, the number of gallons, the capacity of the containers in which it is to be sold, offered for sale, stored or used, the brand applicable to each particular petroleum product referred to in the application;

(3) The name or names and address of the manufacturers or dealers from which the said petroleum product was procured; and

(4) A statement expressed in terms of the standards adopted by the board of agriculture and industries pursuant to the provisions of section 8-17-81, as to the standard guaranteed for the petroleum product in respect of which the application is made. The said statement may simply set forth that the petroleum product referred to therein complies with the standard applicable to that particular product that is specified in the regulations as to standards that are provided for in the said section 8-17-81; provided, that if the person making the application claims a higher standard for any particular petroleum product, he may make a statement to that effect specifying the standard guaranteed.

(c) As soon as practicable after the receipt of such statement, the commissioner of agriculture and industries shall issue to the applicant a permit, provided said statement shows the petroleum product to be sold or offered for sale or stored or used in the state is equal to or above the minimum standard required in the state for such petroleum product.

(d) Such applicant shall pay to the commissioner of agriculture and industries, as a permit fee, the sum of \$10.00 for each different brand specified in the application for a permit.

(e) All such permits shall expire on September 30 of the fiscal year for which they were issued.

(f) This section shall not apply to any person selling, offering for sale, storing or using petroleum products obtained from a person that has complied with the provisions of this division with respect to the same petroleum products."

Section 2. This Act shall become effective October 1, 1981.

Approved May 27, 1981

Time: 9:00 A.M.

AN ACT

To make a conditional appropriation from the state treasury to the Charles Henderson High School of Troy for the fiscal year ending September 30, 1981, for the purpose of sending the marching band to England to participate in the International Festival of Marching Bands in July.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the state treasury, for the fiscal year ending September 30, 1981, the sum of \$75,000.00 to Charles Henderson High School in Troy for the purpose of sending the marching band to participate in the International Festival of Marching Bands to be held in England in July. The appropriation herein shall be expended only if the General Fund or Educational Trust Fund has sufficient funds available so that other appropriations would not be prorated, and if the governor gives his approval to release the funds.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-795

S. 43—Mr. Miller

AN ACT

To provide that medical hospitals for humans, emergency rooms connected thereto, and nursing homes, submit itemized statements, upon request, to patients, of services rendered by said institutions and to provide penalties for failure to submit said statements.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this Act, the term "hospital" shall mean any hospital in which human patients are given medical care. It shall include all emergency rooms or outpatient facilities connected thereto.

Section 2. Within ten days following discharge or release from confinement in a hospital or nursing home, or within ten days after the earliest date at which the expense from the confinement or service may be determined, which in the case of long-term confinement may be the monthly charge, the hospital or nursing home providing the service shall submit to the patient, or to his survivor or legal guardian

as may be appropriate, upon written request, an itemized statement detailing in language comprehensible to an ordinary layman the specific nature of charges or expenses incurred by the patient, which in the initial billing shall contain a statement of specific services received and expenses incurred for each such item of service, enumerating in detail the constituent components of the services received within each department of the hospital or nursing home and including unit-price data on rates charged by the hospital or nursing home. This statement shall not include charges of hospital based or nursing home based physicians if billed separately.

Section 3. In any billing for hospital or nursing home services subsequent to the initial billing for such services, whether it is a restatement of the initial bill or a bill of additional charges, the patient or his survivor or legal guardian may elect, upon written request, to receive a copy of the detailed statement of specific services received and expenses incurred for each such item of service as provided in Section 2 of this Act. The hospital or nursing home shall have ten days from the receipt of the request to provide said statement.

Section 4. All provisions of Section 2 of this Act shall be followed if a written request is made within thirty days of discharge from the facility. If such request is made after thirty (30) days of discharge then the ten day period will not be in effect. Instead the hospital or nursing home providing the service shall have thirty (30) days to meet the request. All requests shall be made within one year of discharge.

Section 5. The Attorney General shall maintain an action in the name of the State for an injunction to restrain any person, firm, association or corporation from operating, conducting or managing a hospital in violation of the provisions of this Act if and when violations are brought to his attention by an individual after a due process of law procedure has been followed.

Section 6. The provisions of this Act shall not apply in cases where regulations by the federal or the state government so stipulate.

Section 7. Hospitals can print information on the statement as to the procedure that must be followed by insurance companies relating to the payment of claims made by persons in possession of the statement referred to in Section 2 of this Act. An addendum which prohibits insurance companies from paying to the patient any amounts due the hospital by the patient is acceptable. Any insurance company making a payment to the patient without positive validation from appropriate hospital officials shall be held liable for such payment to the hospital and shall be guilty of a misdemeanor.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration

shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 10. This Act shall become effective 60 days after its passage and approval by the Governor, or after it otherwise becomes a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-796

S. 117—Mr. Goodwin

AN ACT

To amend Section 2-5-3 of the Code of Alabama 1975 so as to raise the per diem of appointive members of the Farmers Market Authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2-5-3, Code of Alabama 1975, is hereby amended to read as follows:

“§ 2-5-3

“The Farmers Market Authority shall meet on the call of the Chairman. In case of absence of the Chairman and Vice-Chairman, the members present shall elect a temporary Chairman. The rules generally adopted by deliberative bodies shall be observed by the Authority. No motion or resolution shall be adopted without the concurrence of a majority of the members of the Authority. The appointive members of the Authority shall receive a per diem of \$50.00 per day, and their expenses incurred in attending meetings of the Authority shall be paid as provided in Article 2 of Chapter 7 of Title 36 of this Code; provided, that they shall draw such per diem for no more than 30 days in any fiscal year.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-797

S. 180—Mr. Martin

AN ACT

To authorize and make provision for any county or any department, board, bureau, commission or agency of any county, whether incorporated or not, or any county public corporation incorporated with the approval of, or more than one of the directors of which are elected or appointed by the governing body of any county, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each county and each such county public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations, to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; to provide that an issuer of securities shall be free from state supervision and control and from the provisions of Chapter 8, Title 11, CODE OF ALABAMA 1975; and to authorize counties and such county public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such county or such county public corporation under authority of laws other than this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. As used in this act, the following words and terms shall have the following respective meanings:

“Conditions of a Grant” means the terms and conditions upon which a Grant is made by a Donor.

“County” means any county of the State.

“Donor” means the United States of America, or the State, or any county in the State or any municipality or any department, division, board, bureau, institution or agency of any of the foregoing, or any person, firm or corporation, institution, foundation or other agency or any combination of any two or more such Donors.

“Governing Body” means the county commission, board of directors or other group or body which governs, controls or makes decisions for a Grantee.

“Grant” means any gift, grant, appropriation, donation, or advance by any Donor, whether absolute or conditional, for any purpose.

“Grantee” means any county, or any department, board, bureau, commission or agency of any county, whether incorporated or not, acting on behalf of the county, or any Public Corporation, to which a Grant is to be made.

“Public Corporation” means any board, authority or other county

public corporation incorporated with the approval of, or more than one of the directors of which are elected or appointed by, the Governing Body of a county. A county board of education shall be considered a Public Corporation within the meaning of this act.

“Securities” means one or more bonds, notes, warrants or certificates of indebtedness of a county or Public Corporation.

“State” means the State of Alabama.

Section 2. Power and Authority of Grantees. Each Grantee shall have the power, and, when approved by its Governing Body, the authority, to do or perform any one or more of the following:

- a. To apply to any Donor for a Grant and to pay the expenses involved in making such application;
- b. To accept and receive Grants from any Donor;
- c. To expend or apply the proceeds of any Grant for the purpose or purposes for which the same is made;
- d. To agree to comply with the Conditions of the Grant;
- e. To pay over or donate or loan to any board, bureau, authority, institution or agency of the Grantee, or to any municipality or municipalities of the State, or to any Public Corporation, or to any county or counties in the State or to the State, or to any board, bureau, authority, institution, or agency of such Public Corporation, or of such county or counties or of such municipality or municipalities, or of the State or to any person, firm or corporation, any Grant proceeds authorized or permitted to be so paid over, donated or loaned by the Conditions of the Grant.

Section 3. Power and Authority of Counties and Public Corporations. Each county and each Public Corporation shall have the power and, when approved by its Governing Body, the authority, to do or perform any one or more of the following:

- a. To anticipate the receipt of any Grant either by loan or by assignment or both; to issue Securities to evidence such loan or assignment; to make such Securities the general obligation indebtedness of the issuer or the obligation of the issuer limited or restricted as to source of payment and security to all or a portion of the proceeds of the Grant or to any revenue, receipts or income or any special tax or license of the issuer, or any one or more thereof.
- b. To pledge to the holders of any Securities issued pursuant to this act the full faith and credit of the issuer and in addition to, or instead of such pledge, to pledge and grant a security interest in all or a portion of the proceeds of the Grant or any revenue, receipts

or income or any special tax or license of the issuer, or any one or more thereof; or to mortgage or grant a security interest in any property of the issuer as security for any such Securities, as the Governing Body of the issuer may determine.

c. To pledge, assign and grant a security interest in all or any part of the proceeds of any Grant to the holders of any Securities issued by the county or the Public Corporation for any lawful purpose under the authority of any law other than this act.

Section 4. Limitations and Amplification of Securities Authorization. Securities issued under the authority of this act shall mature at such time or times as the Governing Body of the issuer shall determine, not later than the date on which the last installment of the Grant is reasonably expected to be received. The total principal amount of Securities which may be issued in respect of a Grant shall not exceed the reasonably estimated proceeds of the Grant. The determination of the Governing Body of the issuer of the date on which the last installment of the Grant will be received and the amounts of the proceeds of any Grant to be received shall be conclusive. Securities issued under the authority of this act shall be of such denomination and tenor, shall contain such covenants and restrictions and provisions and shall be payable at such place or places, within or without the State, as the Governing Body of the issuer shall determine. Such securities shall be executed in the name of the issuer by such officer or member of the Governing Body of the issuer as such Governing Body may direct and attested by such other officer or member of the Governing Body as such Governing Body shall divest, with the seal of the issuer impressed thereon, but coupons for interest, if interest is evidenced by coupons, need be signed only by such officer or member of the Governing Body of the issuer who executed the securities. Execution by facsimile signature and seal in the manner authorized by law for bonds of a County may be authorized by the Governing Body.

Section 5. Exemption of Securities from Taxation. All securities issued by authority of this act and the interest thereon shall be exempt from all taxation in the State.

Section 6. Legal Investment Status of Securities. Securities issued under the authority of this act shall be securities in which the State, the Grantee, all counties and political subdivisions of the State, their officers, boards, departments or agencies and all banks, bankers, trust companies, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies and insurance associations and other persons carrying on an insurance business, all administrators, executors, guardians, trustees and other fiduciaries, and all other persons who now are or may

hereafter be authorized to invest in securities issued by a county, may properly and legally invest any funds, including capital belonging to them or within their control.

Section 7. Freedom of an issuer of Securities from State Supervision and Control and From the Provision of Chapter 8, Title 11, CODE OF ALABAMA 1975. No proceeding, notice or approval shall be required for the issuance of any securities under this act. Neither a public hearing nor the consent of the State Department of Finance shall be a prerequisite to the issuance of any securities under this act.

The provisions of Chapter 8, Title 11, CODE OF ALABAMA 1975 shall not apply to any securities issued under authority of this act or to any County or Public Corporation issuing such securities.

Section 8. Additional Authority. This act is intended to grant additional authority to Grantees, Counties and Public Corporations and shall not be considered to repeal, restrict or modify any law now in effect or hereafter enacted.

Section 9. Severability. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Section 10. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-798

S. 181—Mr. Martin

AN ACT

To authorize and make provision for any municipality or any department, board, bureau, commission or agency of any municipality, whether incorporated or not, or any municipal public corporation incorporated with the approval of, or more than one of the directors of which are elected or appointed by the governing body of any municipality, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to, another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each municipality, and each such municipal public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations; to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries

and others; to exempt such obligations from taxation; and to authorize municipalities and such municipal public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such municipality, such agency or such municipal public corporation under authority of laws other than this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. As used in this act, the following words and terms shall have the following respective meanings:

“Conditions of a Grant” means the terms and conditions upon which a Grant is made by a Donor.

“Donor” means the United States of America, or the State, or any county in the State or any Municipality or any department, division, board, bureau, institution or agency of any of the foregoing, or any person, firm or corporation, institution, foundation or other agency or any combination of any two or more such Donors.

“Governing Body” means the council, commission, board of directors or other group or body which governs, controls or makes decisions for a Grantee.

“Grant” means any gift, grant, appropriation, donation, or advance by any Donor, whether absolute or conditional, for any purpose.

“Grantee” means any Municipality, or any department, board, bureau, commission or agency of any Municipality, whether incorporated or not, acting on behalf of the Municipality, or any Public Corporation, to which a Grant is to be made.

“Municipality” means any city or town incorporated under the laws of the State.

“Public Corporation” means any board, authority or other municipal public corporation incorporated with the approval of, or more than one of the directors of which are elected or appointed by, the Governing Body of, a Municipality. A city board of education shall be considered a Public Corporation within the meaning of this act.

“Securities” means one or more bonds, notes, warrants or certificates of indebtedness of a Municipality or Public Corporation.

“State” means the State of Alabama.

Section 2. Power and Authority of Grantees. Each Grantee shall have the power, and, when approved by its Governing Body, the authority, to do or perform any one or more of the following:

a. To apply to any Donor for a Grant and to pay the expenses involved in making such application;

- b. To accept and receive Grants from any Donor;
- c. To expend or apply the proceeds of any Grant for the purpose or purposes for which the same is made;
- d. To agree to comply with the Conditions of the Grant;
- e. To pay over or donate or loan to any board, authority or agency of the Grantee, or to any Municipality, or to any Public Corporation, or to any county or counties in the State or to the State, or to any board, bureau, authority, institution, or agency of the Grantee, or of such Public Corporation, or of such county or counties, or of the State or to any person, firm or corporation, any Grant proceeds authorized or permitted to be so paid over, donated or loaned by the Conditions of the Grant.

Section 3. Power and Authority of Municipalities and Public Corporations. Each Municipality and each Public Corporation shall have the power and, when approved by its Governing Body, the authority, to do or perform any one or more of the following:

a. To anticipate the receipt of any Grant either by loan or by assignment or both; to issue Securities to evidence such loan or assignment; to make such Securities the general obligation indebtedness of the issuer or the obligation of the issuer limited or restricted as to source of payment and security to all or a portion of the proceeds of the Grant or to any revenue, receipts or income or any special tax or license of the issuer, or any one or more thereof.

b. To pledge to the holders of any Securities issued pursuant to this act the full faith and credit of the issuer and in addition to, or instead of such pledge, to pledge and grant a security interest in all or a portion of the proceeds of the Grant or any revenue, receipts or income or any special tax or license of the issuer, or any one or more thereof; or to mortgage or grant a security interest in any property of the issuer as security for any such Securities, as the Governing Body of the issuer may determine.

c. To pledge, assign and grant a security interest in all or any part of the proceeds of any Grant to the holders of any Securities issued by the Municipality or the Public Corporation for any lawful purpose under the authority of any law other than this act.

Section 4. Limitations and Amplification of Securities Authorization. Securities issued under the authority of this act shall mature at such time or times as the Governing Body of the issuer shall determine, not later than the date on which the last installment of the Grant is reasonably expected to be received. The total principal amount of Securities which may be issued in respect of a Grant shall not exceed the reasonably estimated proceeds of the Grant. The

determination of the Governing Body of the issuer of the date on which the last installment of the Grant will be received and the amounts of the proceeds of any Grant to be received shall be conclusive. Securities issued under the authority of this act shall be of such denomination and tenor, shall contain such covenants and restrictions and provisions and shall be payable at such place or places, within or without the State, as the Governing Body of the issuer shall determine. Such securities shall be executed in the name of the issuer by such officer as such Governing Body shall designate and attested by such other officer thereof as such Governing Body shall designate, with the seal of the issuer impressed thereon, but coupons for interest, if interest is evidenced by coupons, need be signed only by the officer who executes the Securities. Execution by facsimile signature and seal in the manner authorized by law for bonds of a Municipality may be authorized by the Governing Body.

Section 5. Exemption of Securities from Taxation. All securities issued by authority of this act and the interest thereon shall be exempt from all taxation in the State.

Section 6. Legal Investment Status of Securities. Securities issued under the authority of this act shall be securities in which the State, the Grantee, all counties and political subdivisions of the State, their officers, boards, departments or agencies and all banks, bankers, trust companies, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies and insurance associations and other persons carrying on an insurance business, all administrators, executors, guardians, trustees and other fiduciaries, and all other persons who now are or may hereafter be authorized to invest in securities issued by a Municipality, may properly and legally invest any funds, including capital belonging to them or within their control.

Section 7. Additional Authority. This act is intended to grant additional authority to Grantees, Municipalities and Public Corporations and shall not be considered to repeal, restrict or modify any law now in effect or hereafter enacted.

Section 8. Severability. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Section 9. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-799

S. 199—Mr. Keener

AN ACT

To exempt any department or agency of this State whose cost of printing and publication, including the cost equipment, machines, supplies and inventory is financed in full from federal grants under the authority of Title IX of the Social Security Act of 1935, as amended, for the purpose of administering the Employment Security Program in Alabama from the provisions of Act 1286 of the 1973 Regular Session of the Legislature of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1.

Any department or agency of this State whose cost of printing and publishing, including the cost of the equipment, machines, supplies or any other item of inventory, documents, publications, reports, forms, regulations, instruction or other printed matter for use in the administration of the employment security program in the State, is borne from federal grants under authority of Title IX of the Social Security Act of 1935, as amended, shall be exempt from the requirements of Act 1286, 1973 Regular Session of the Alabama Legislature.

Section 2.

This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-800

S. 206—Mr. deGraffenried

AN ACT

To amend section 26-11-2, Code of Alabama 1975, relating to legitimation of children so as to provide the mother of a child and the child with notice, appointment of a guardian ad litem, and a hearing before legitimation by the father occurs; and to amend section 26-11-3, Code of Alabama 1975, in order to provide the mother of the child and the child with notice, appointment of a guardian ad litem, and a hearing before a name change takes effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1975, section 26-11-2, is hereby amended to read as follows:

A father of a bastard child may seek to legitimate it and render it capable of inheriting his estate by filing a notice of declaration of

legitimation in writing attested by two witnesses, setting forth the name of the child proposed to be legitimated, its sex, supposed age and name of mother and that he hereby recognizes it as his child and capable of inheriting his estate, real and personal, as if born in wedlock. The declaration, being acknowledged by the maker before the judge of probate of the county of the father's residence or the child's residence or its execution proved by the attesting witnesses, shall be filed in the office of the judge of probate of the father's residence or the child's residence.

Upon the filing of the declaration of legitimation, notice shall be given to the child's mother and to the child as provided by the Alabama Rules of Civil Procedure. Notice may be waived as provided by the Alabama Rules of Civil Procedure. The child's mother shall within thirty days after receiving notice file her objection or consent to the legitimation with the Probate Court. The Probate Court shall appoint a guardian ad litem to represent the child if the mother files a timely objection or if the court determines such appointment to be in the best interest of the child. Following receipt of the mother's response or upon expiration of the time for her response, the Probate Court shall conduct an informal hearing at which all interested parties may present evidence for determination of whether legitimation is in the best interest of the child. The Court shall issue an order of legitimation or denial of declaration of legitimation. Upon legitimation of the child, a certified copy of the minutes of the court shall be sent by the judge of probate to the bureau of vital statistics, state board of health and to the register of vital statistics of the county where the petition was filed within 30 days after the minutes are recorded.

Section 2. Code of Alabama 1975, section 26-11-3 is hereby amended to read as follows:

The father may petition at the time of filing the declaration of legitimation or at any time subsequent to the determination of legitimation to change the name of such child, stating in his declaration the name it is then know by and the name he wishes it afterwards to have. Such petition shall be filed in the office of the judge of probate of the father's residence or the child's residence.

Upon the filing of the petition for name change, notice shall be given to the child's mother and to the child as provided by the Alabama Rules of Civil Procedure. Notice may be waived as provided by the Alabama Rules of Civil Procedure. The child's mother shall within thirty days after receiving notice file her objection or consent to the name change with the Probate Court. The Probate Court shall appoint a guardian ad litem to represent the child if the mother files a timely objection or if the court determines such appointment to

be in the best interest of the child. Following receipt of the mother's response or upon expiration of the time for her response, the probate court shall conduct an informal hearing at which all interested parties may present evidence for determination of whether the name change is in the best interest of the child. The Court shall issue an order of name change or denial of name change. Upon change of name of the child, a certified copy of the minutes of the court shall be sent by the judge of probate to the bureau of vital statistics, state board of health and to the register of vital statistics of the county where the petition was filed within 30 days after the minutes are recorded.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-801

S. 291—Mr. deGraffenried

AN ACT

To provide for the confidentiality of all written materials and activities concerning the accreditation, quality assurance, or similar function of any hospital, clinic, or medical staff.

Be It Enacted by the Legislature of Alabama:

Section 1. Accreditation, quality assurance and similar materials as used in this section shall include written reports, records, correspondence, and materials concerning the accreditation or quality assurance or similar function of any hospital, clinic, or medical staff. The confidentiality established by this section shall apply to materials prepared by an employee, advisor, or consultant of a hospital, clinic, or medical staff and to materials prepared by an employee, advisor or consultant of an accrediting, quality assurance or similar agency or similar body and to any individual who is an employee, advisor or consultant of a hospital, clinic, medical staff or accrediting, quality assurance or similar agency or body.

Section 2. All accreditation, quality assurance credentialing and similar materials shall be held in confidence and shall not be subject to discovery or introduction in evidence in any civil action

against a health care professional or institution arising out of matters which are the subject of evaluation and review for accreditation, quality assurance and similar functions, purposes, or activities. No person involved in preparation, evaluation or review of accreditation, quality assurance or similar materials shall be permitted or required to testify in any civil action as to any evidence or other matters produced or presented during the course of preparation, evaluation, or review of such materials or as to any finding, recommendation, evaluation, opinion, or other action of such accreditation, quality assurance or similar function or other person involved therein. Information, documents, or records otherwise available from original sources are not to be construed as being unavailable for discovery or for use in any civil action merely because they were presented or used in preparation of accreditation, quality assurance or similar materials nor should any person involved in preparation, evaluation, or review of such materials be prevented from testifying as to matters within his knowledge, but the witness testifying should not be asked about any opinions or data given by him in preparation, evaluation, or review of accreditation, quality assurance or similar materials.

Section 3. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-802

S. 342—Mr. Goodwin

AN ACT

To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, state technical college or university, who is the dependent child or spouse who has not remarried, of a state law enforcement officer killed in the line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the State General Fund.

Be It Enacted by the Legislature of the State of Alabama:

Section 1. This Act shall be known and cited as the "State Policemans' Survivor Tuition Act."

Section 2. Upon the effective date of this Act, any child, natural or adopted, who was under 21 years of age at the time of the death, or spouse who has not remarried, of a sworn full-time state law enforcement officer employed by the state who is or was killed in the line of duty, shall be entitled to receive free tuition for a four-year

undergraduate course of study at any state college, state technical college, junior college, or university, in the State of Alabama, and all costs of textbooks officially prescribed for the classes in said course of study shall be paid. Said spouse to be eligible for the benefits must enroll in a state college, state technical college, junior college or university within five (5) years of the death of the state law enforcement officer. Benefits for either spouse or child shall be for a period not to exceed four years from date of enrollment.

Section 3. The State Department of Education shall provide the necessary forms and applications for the implementation of this Act, and shall supervise said implementation by the administration of the college, state technical college, junior college, or university concerned.

Section 4. There is hereby created a Tuition Eligibility Board, who shall determine the eligibility of any persons applying under the provisions of this Act, and shall certify such eligible persons to the Department of Education to receive free tuition and books under the provisions of Section 1 of this Act. The Tuition Eligibility Board shall consist of one member appointed by the Executive Board of the Alabama Education Association, one member appointed by the president of the Alabama State Policemen's Association, Inc., one member appointed by the Speaker of the House of Representatives and one member appointed by the Presiding Officer of the Senate. Each member shall serve four years from the date of his appointment and shall have the right to succeed himself. The Board shall elect a chairman from among themselves, who shall receive applications and coordinate implementation of this Act with the State Department of Education. Said chairman shall call meetings of the Board at his discretion to determine eligibility of applicants, and no member of the Board shall receive any compensation for duties performed in the accordance with the provisions of this Act. A majority of the members appointed shall constitute a quorum.

Section 5. There is hereby appropriated annually from the State General Fund, the amount sufficient to carry out the provisions of this Act.

Section 6. The provisions of this Act are severable, if any or part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. This Act shall take effect immediately upon passage of this Bill and approval by the Governor or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-803

S. 385—Mr. Vacca

AN ACT

To amend sections 1-100, 3-110, 4-106, 5-107, 9-106, and 9-102 of Act No. 80-434, S. 2, Regular Session 1980 (Acts of Alabama 1980, p. 604), entitled, "Alabama Rules of the Road Act" providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Be It Enacted by the Legislation of Alabama:

Section 1-100, 3-110, 4-106, 5-107, 9-106, and 9-102 of Act No. 80-434, S.2, Regular Session 1980 (Acts of Alabama 1980, p. 604) entitled, "Alabama Rules of the Road Act" are hereby amended to read as follows:

§ 1-100. Definition of words and phrases.

The following words and phrases when used in this act shall, for the purpose of this act, have meanings respectively ascribed to them in this section, except when the context otherwise requires.

(1) Alley. A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

(2) Arterial street. Any U. S. or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

(3) Authorized emergency vehicle. Such fire department vehicles, police vehicles and ambulances as are publicly owned, and such other publicly or privately owned vehicles as are designated by the director of public safety or the chief of police of an incorporated city.

(4) Bicycle. Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than fourteen (14) inches in diameter.

(5) Bus. Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and

every motor vehicle other than a taxicab, designed and used for the transportation of persons for compensation.

(6) **Business district.** The territory contiguous to and including a highway when within any six hundred (600) feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway.

(7) **Cancellation of driver's license.** The annulment or termination by formal action of the director of public safety of a person's driver's license because of some error or defect in the license or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation.

(8) **Controlled-access highway.** Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

(9) **Crosswalk.** (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(10) **Dealer.** Every person engaged in the business of buying, selling or exchanging vehicles who has an established place of business for such purpose in this state and to whom current dealer registration plates have been issued by the Department of Revenue.

(11) **Department.** The Department of Public Safety of this state acting directly or through its duly authorized officers and agents.

(12) **Director.** The director of public safety of Alabama.

(13) **Driveaway-towaway operation.** Any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported, when one set or more of wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power.

(14) Driver. Every person who drives or is in actual physical control of a vehicle.

(15) Driver's License. Any license to operate a motor vehicle issued under the laws of this state.

(16) Essential parts. All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

(17) Established place of business. The place actually occupied either continuously or at regular periods by a dealer or manufacturer where his books and records are kept and a large share of his business is transacted.

(18) Explosives. Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

(19) Farm tractor. Every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines and other implements of husbandry.

(20) Flammable liquid. Any liquid which has a flash point of seventy degrees, Fahrenheit (70° F.), or less as determined by a fagliabue or equivalent closed-cup test device.

(21) Foreign vehicle. Every vehicle of a type required to be registered hereunder brought into this state from another state, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

(22) Gross weight. The weight of a vehicle without load plus the weight of any load thereon.

(23) Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(24) House trailer. (a) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways, or

(b) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(25) Implement of husbandry. Every vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

(26) Intersection. (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty (30) feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(c) The junction of an alley with a street or highway shall not constitute an intersection.

(27) Landed roadway. A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

(28) License or license to operate a motor vehicle. Any driver's license or any other license or permit to operate a motor vehicle issued by the Director under the laws of this state, including any nonresident's operating privilege as defined herein.

(29) Local authorities. Every county, municipal and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this state.

(30) Mail. To deposit in the United States mail properly addressed and with postage prepaid.

(31) Metal tire. Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material.

(32) Motor vehicle. Every vehicle which is self-propelled and

every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(33) **Motorcycle.** Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(34) **Motor-driven cycle.** Every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower nor to exceed 150 cubic centimeter engine displacement, and weighs less than two hundred (200) pounds fully equipped, and every bicycle with motor attached.

(35) **Nonresident.** Every person who is not a resident of this state.

(36) **Nonresident's operating privilege.** The privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state.

(37) **Official traffic-control devices.** All signs, signals, markings and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

(38) **Owner.** A person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

(39) **Park or parking.** Means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(40) **Passenger car.** Every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten (10) passengers or less and used for the transportation of persons.

(41) **Pedestrian.** Any person afoot.

(42) **Person.** Every natural person, firm, copartnership, association or corporation.

(43) **Pneumatic tire.** Every tire in which compressed air is designed to support the load.

(44) **Pole trailer.** Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured

to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(45) Police Officer. Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(46) Private road or driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(47) Railroad. A carrier of persons or property upon cars other than street cars, operated upon stationary rails.

(48) Railroad sign or signal. Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(49) Railroad train. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

(50) Reconstructed vehicles. Every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.

(51) Registration. The registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

(52) Residence district. The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

(53) Revocation of driver's license. The termination by formal action of the director of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the director after the expiration of the applicable period of time prescribed in this act.

(54) Right of way. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

(55) Road tractor. Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

(56) Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

(57) Safety zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(58) School bus. Every motor vehicle that complies with the color and identification requirements set forth by statute or regulation and is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children.

(59) Security agreement. A written agreement which reserves or creates a security interest.

(60) Security interest. An interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. A security interest is "perfected" when it is valid against third parties generally, subject only to specific statutory exceptions.

(61) Semitrailer. Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

(62) Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

(63) Solid tire. Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

(64) Special mobile equipment. Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatus, well boring apparatus and road

construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, levelling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(65) Specially constructed vehicle. Every vehicle of a type required to be registered hereunder not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

(66) Stand or standing. Means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

(67) State. A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of Canada.

(68) Stop. When required means complete cessation from movement.

(69) Stop or stopping. When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

(70) Street. The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(71) Suspension of driver's license. The temporary withdrawal by formal action of the director of public safety of a person's license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated by the director.

(72) Through highway. Every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right of way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic-control device, when such signs or devices are erected as provided in this act.

(73) Trackless trolley coach. Every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

(74) Traffic. Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.

(75) Traffic-control signal. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

(76) Trailer. Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

(77) Transporter. Every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling or distributing plant to dealers or sales agents of a manufacturer.

(78) Truck. Every motor vehicle designed, used or maintained primarily for the transportation of property.

(79) Truck tractor. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(80) Urban district. The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter of a mile or more.

(81) Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided, that for the purposes of this title, a bicycle or a ridden animal shall be deemed a vehicle, except those provisions of this act, which by their very nature can have no application.

§ 3-110. Following too closely.

(a) The driver of a motor vehicle shall not follow another more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway. Except when overtaking and passing another vehicle, the driver of a vehicle shall leave a distance of at least twenty (20) feet for each ten (10) miles per hour of speed between the vehicle that he is driving and the vehicle that he is following.

(b) The driver of any truck or motor vehicle drawing another vehicle of twenty-five (25) or more feet in length when traveling upon a roadway outside of a business or residence district and which is following another truck or motor vehicle drawing another vehicle of twenty-five (25) or more feet in length shall, whenever conditions permit, leave sufficient space, at least three hundred (300) feet, so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a truck or motor vehicle drawing another vehicle of twenty-five (25) or more feet in length from overtaking and passing any vehicle or combination of vehicles.

(c) Motor vehicles being driven upon any roadway whether a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions or to any parade or procession authorized by official permit of the governing body of the city or county having jurisdiction over said highway.

§ 4-106. Operation of vehicles on approach of authorized emergency vehicles; signals on emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp and audible signal as is required by law, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with regard for the safety of all persons using the highways.

(c) Authorized emergency vehicles shall be equipped with at least one lighted lamp exhibiting a colored light as hereinafter provided visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle and a siren, exhaust whistle or bell capable of giving an audible signal. The color of the lighted lamp exhibited by police vehicles may be red or blue and the color of the lighted lamp exhibited by fire department and other authorized emergency vehicles, including ambulances, shall be red. No vehicle other than a police vehicle will use a blue light. An amber or yellow light may be installed on any vehicle or class of vehicles designated by the director of public safety, but such light shall serve as a warning or caution light only, and shall not cause

other vehicles to yield the right of way. This provision shall not operate to relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor shall it protect the driver of any such vehicle from the consequences of an arbitrary exercise of such right of way.

§ 5-107. Pedestrian soliciting rides or business or fishing.

(a) No person shall stand in a roadway for the purpose of soliciting a ride.

(b) No person shall stand on a highway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle, nor for the purpose of distributing any article, unless otherwise authorized by official permit of the governing body of the city or county having jurisdiction over said highway.

(c) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(d) No person shall fish from a bridge, viaduct, or trestle, or the approaches thereto, within the State of Alabama, unless otherwise authorized by the governing body of the city or county having jurisdiction over said highway or from the state of Alabama in the case of state highways. The authorizing authority shall erect and maintain appropriate signs giving notice that fishing is allowed.

§ 9-102. Driving while under the influence of alcohol or controlled substance.

(a) A person shall not drive or be in actual physical control of any vehicle while:

1. There is 0.10 percent or more by weight of alcohol in his blood;
2. Under the influence of alcohol;
3. Under the influence of a controlled substance to a degree which renders him incapable of safely driving; or
4. Under the combined influence of alcohol and a controlled substance to a degree which renders him incapable of safely driving.

(b) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or controlled substance shall not constitute a defense against any charge of violating this section.

(c) Upon first conviction, a person violating this section shall be punished by imprisonment in the county or municipal jail for not

more than one year, or by fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or by both such fine and imprisonment. In addition, on a first conviction, the court trying the cause may prohibit the person so convicted from driving a motor vehicle upon the highways of this state for a period of not more than six months. First time offenders convicted of driving while under the influence of alcohol shall also be required to complete a DUI court referral program approved by the State administrative Office of Courts. Neither reckless driving nor any other traffic infraction is a lesser included offense under a charge of driving while under the influence of alcohol or controlled substances.

(d) On a second or subsequent conviction within a five-year period, the person convicted of violating this section shall be punished by a fine of not less than two hundred dollars (\$200) nor more than fifteen hundred dollars (\$1,500) or by imprisonment in the county or municipal jail for not more than one year, or by both such fine and imprisonment. In addition, the director of public safety shall revoke the driving privilege or driver's license of the person so convicted for a period of six months.

(e) All fines collected for violation of this section resulting from arrests by state officers shall be paid into the state general fund; all fines so collected for violations resulting from arrests by county or municipal officers shall be disbursed as is otherwise provided for by law.

§ 9-106.

(a) The director of public safety is hereby authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance thereof hereunder or that said licensee failed to give the correct or required information in his application. Upon such cancellation the licensee must surrender the license so cancelled. If such licensee refuses to surrender such license, he shall be guilty of a misdemeanor.

(b) The privilege of driving a motor vehicle on the highways of this state given to a non-resident hereunder shall be subject to suspension or revocation by the director of public safety in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked.

(c) The director of public safety is further authorized, upon receiving a record of the conviction in this state of a non-residence driver of a motor vehicle of any offense, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

(d) When a non-resident's operating privilege is suspended or revoked, the director of public safety shall forward a certified copy of the record of such action to the motor vehicle administrator in the state wherein such person resides.

(e) The director of public safety is authorized to suspend or revoke the license of any resident of this state or the privilege of a non-resident to drive a motor vehicle in this state upon receiving notice of the conviction of such person in another state of any offense therein which, if committed in this state, would be grounds for the suspension or revocation of the license of a driver.

(f) The director of public safety may give such effect to conduct of a resident in another state as is provided by the laws of this state had such conduct occurred in this state.

(g) Whenever any person is convicted of any offense for which this Act makes mandatory the revocation of the license of such person by the department, the court in which such conviction is had shall require the surrender to it of any driver's license then held by the person convicted and the court shall thereupon forward the same together with a record of such conviction to the director of public safety.

(h) Every court having jurisdiction over offenses committed under this article or any other law of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, shall forward to the director of public safety within ten (10) days a record of the conviction of any person in said court for a violation of any said laws other than regulations governing standing or parking, and may recommend the suspension of the driver's license of the person so convicted.

(i) For the purposes of this article the term "conviction" shall mean a final conviction. Also, for the purposes of this article an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, a plea of nolo contendere accepted by the court, the payment of a fine, a plea of guilty or a finding of guilt of a traffic violation charge, shall be equivalent to a conviction regardless of whether the penalty is rebated, suspended or probated.

(j) The director of public safety shall forthwith revoke the license of any driver upon receiving a record of such driver's conviction of any of the following offenses:

(1) Manslaughter or homicide by vehicle resulting from the operation of a motor vehicle;

(2) Upon a first conviction of driving or being in actual physical control of any vehicle while under the influence of alcohol or under the influence of a controlled substance to a degree which renders him

incapable of safely driving or under the combined influence of alcohol and a controlled substance to a degree which renders him incapable of safely driving, such revocation shall take place only when ordered by the court rendering such conviction;

(3) Upon a second or subsequent conviction within a five-year period, of driving or being in actual physical control of any vehicle while under the influence of alcohol or under the influence of a controlled substance to a degree which renders him incapable of safely driving or under the combined influence of alcohol and a controlled substance to a degree which renders him incapable of safely driving;

4. Any felony in the commission of which a motor vehicle is used;

5. Failure to stop, render aid, or identify himself as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

6. Perjury or the making of a false affidavit or statement under oath to the director of public safety under this article or under any other law relating to the ownership or operation of motor vehicles;

7. Conviction upon three charges of reckless driving committed within a period of twelve months;

8. Unauthorized use of a motor vehicle belonging to another which act does not amount to a felony.

(k) The director of public safety is hereby authorized to suspend the license of a driver without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

1. Has committed an offense for which mandatory revocation of license is required upon conviction;

2. Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

3. Is an habitually reckless or negligent driver of a motor vehicle, such fact being established by a record of accidents, or by other evidence;

4. Is incompetent to drive a motor vehicle;

5. Has permitted an unlawful or fraudulent use of such license;

6. Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation;

7. Has been convicted of fleeing or attempting to elude a police officer; or

8. Has been convicted of racing on the highways.

(1) Upon suspending the license of any person as hereinbefore in this section authorized, the director of public safety shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practicable, not to exceed thirty days after receipt of such request in the county wherein the licensee resides unless the director of public safety and the licensee agree that such hearing may be held in some other county. Such hearing shall be before the director of public safety or his duly authorized agent. Upon such hearing the director of public safety or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses in the production of relevant books and papers and may require a reexamination of the licensee. Upon such hearing the director of public safety or his duly authorized agent shall either rescind its order of suspension or, good cause appearing therefor, may continue, modify or extend the suspension of such licensee or revoke such license. If the license has been suspended as a result of the licensee's driving while under the influence of alcohol, the director or his agent conducting the hearing shall take into account, among other relevant factors, the licensee's successful completion of any duly established "Highway Intoxication Seminar", "DWI Counterattack Course" or similar educational program designed for problem drinking drivers. If the hearing is conducted by a duly authorized agent instead of by the director of public safety himself, the action of such agent must be approved by the director of public safety.

(m) The director of public safety shall not suspend a driver's license or privilege to drive a motor vehicle upon the public highways for a period of more than one year, except as permitted under § 32-6-19, Alabama Code.

(n) At the end of the period of suspension a license surrendered to the director of public safety under paragraph (o) shall be returned to the licensee.

(o) The director of public safety upon cancelling, suspending or revoking a license shall require that such license be surrendered to and be retained by the director of public safety. Any person whose license has been cancelled, suspended or revoked shall immediately return his license to the director of public safety. If such licensee refuses to surrender such license, he shall be guilty of a misdemeanor.

(p) Any resident or nonresident whose driver's license or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this section shall not operate a motor vehicle

in this state under a license or permit issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this article.

(q) Any person denied a license or whose license has been cancelled, suspended or revoked by the director of public safety except where such cancellation or revocation is mandatory under the provision of this article shall have the right to file a petition within thirty days thereafter for a hearing in the matter in the district court, circuit court or court of like jurisdiction in the county wherein such person resides, or in the case of cancellation, suspension or revocation of a nonresident's operating privilege in the county in which the main office of the director of public safety is located, and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon thirty days' written notice to the director of public safety, and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license or is subject to suspension, cancellation or revocation of license under the provisions of this section.

§ 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-804

S. 389— Messrs. Parsons, Robertson, Cook,
Hall and Kirkland

AN ACT

To amend further Section 6-5-332, Code of Alabama 1975, relating to liability for civil damages as a result of rendering first aid or emergency care to certain injured persons, so as to include within the protective provisions of that section certain other persons rendering first aid or emergency care.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6-5-332, Code of Alabama 1975, is hereby amended further to read as follows:

“§ 6-5-332.

“(a) When any doctor of medicine or dentistry, nurse, member of any organized rescue squad, member of any police or fire department, member of any organized volunteer fire department, Alabama-

licensed emergency medical technician, intern or resident practicing in an Alabama hospital with training programs approved by the American Medical Association, Alabama state trooper or medical aidman functioning as a part of the military assistance to safety and traffic program, gratuitously and in good faith, renders first aid or emergency care at the scene of an accident, casualty or disaster to a person injured therein, he shall not be liable for any civil damages as a result of his acts or omissions in rendering such first aid or emergency care, nor shall he be liable for any civil damages as a result of any act or failure to act to provide or arrange for further medical treatment or care for the injured person.

“(b) Any member of the crew of a helicopter which is used in the performance of military assistance to safety and traffic programs and is engaged in the performance of emergency medical service acts shall be exempt from personal liability for any property damages caused by helicopter downwash or by persons disembarking from the helicopter.

“(c) When any physician gratuitously advises medical personnel at the scene of an emergency episode by direct voice contact, to render medical assistance based upon information received by voice or bio-telemetry equipment, such actions ordered taken by the physician to sustain life or reduce disability shall not be considered liable when such actions are within the established medical procedures.

“(d) Any person who is qualified by a federal or state agency to perform mine rescue planning and recovery operations, including mine rescue instructors and mine rescue team members, and any person designated by an operator furnishing a mine rescue team to supervise, assist in planning, or provide service thereto, who in good faith performs, or fails to perform, any act or service in connection with such mine rescue planning and recovery operations shall not be liable for any civil damages as a result of any such acts or omissions; provided however, that nothing contained herein shall be construed to exempt from liability any person responsible for an overall mine rescue operation, including an operator of an affected facility and any person assuming responsibility therefore under federal or state statutes or regulations.”

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its

passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-805

S. 455—Mr. Miller

AN ACT

To amend Sections 34-29-4, 34-29-20, 34-29-23, 34-29-41 and 34-29-45, Code of Alabama 1975, which relate to the Alabama Board of Veterinary Medical Examiners, so as to provide further for the term and compensation of the members of the board and to increase the fees of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 34-29-4, 34-29-20, 34-29-23, 34-29-41 and 34-29-45, Code of Alabama 1975, are hereby amended to read as follows:

“§ 34-29-4. The Alabama state board of veterinary medical examiners may establish qualifications and rules and regulations for the examination and registration of animal technicians, which animal technicians shall be defined as persons other than a veterinarian who perform those acts which require limited skill, responsibility and a minimal exercise of independent judgment in the treatment of patients of veterinarians and under the direct and immediate supervision of veterinarians.

“Any veterinarian who is legally qualified to practice in the state of Alabama may be issued a permit by the Alabama state board of veterinary medical examiners to employ animal technicians under such terms and conditions as may be proposed by the said Alabama state board of veterinary medical examiners. Anyone who employs an animal technician must make an application to the Alabama state board of veterinary medical examiners for a permit to employ a specific person whose name, together with such other information as may be desired, shall be furnished to the said Alabama state board of veterinary medical examiners, and the said board may also require the proposed animal technician to submit to an examination. The fee for such examination shall be determined by the board not to exceed \$25.00. The board shall issue permits to the veterinarians and permit certificates to the animal technicians who have passed the examination and have been found qualified by the board. There shall be an annual renewal of each permit issued and a renewal fee established

by the board, not to exceed \$15.00. Such a permit shall cover the specific employment to which it refers and does not authorize the holder thereof to employ any other technician other than the one named in the permit. A permit shall be obtained for each animal technician employed.

“Animal technicians shall not perform any duties or operations anywhere at any time or any place, except under the direct and immediate supervision or in the office of a legally qualified veterinarian or in a school or hospital that holds a permit from the Alabama state board of veterinary medical examiners to employ such animal technicians, and said permits shall be displayed at all times in the office of the holder thereof at such place as to be easily accessible to the public or his patients. Said board may cancel any such permit which it may have issued for violation of the laws of Alabama relating to the practice of veterinary medicine or for the violation of any of the rules and regulations of the said board after giving such persons 10 days’ notice of the time and place of hearing; and, should the board revoke the said permit, such persons shall have the right of appeal to the circuit court, to be heard and governed as appeals by veterinarians in such cases are heard and governed. The state board of health, schools or hospitals may be issued permits to employ animal technicians under such terms and conditions as may be prescribed by the Alabama state board of veterinary examiners. Any veterinarian who permits the duties of the animal technician to be done in his office without having been issued a permit as herein provided or any person who is employed as an animal technician whose employer has not obtained a permit shall be guilty of a misdemeanor and, upon conviction, for the first offense shall be fined not less than \$50.00 nor more than \$500.00 and, for the second offense, not less than \$250.00 nor more than \$500.00, and may also be imprisoned at hard labor not less than three months nor more than four months. Nothing, however, in this article shall be construed to prevent a student of veterinary medicine from performing operations under the supervision of a competent instructor in veterinary medicine recognized by the Alabama state board of veterinary examiners.”

“§ 34-29-20. A state board of veterinary medical examiners is established to consist of five members, who shall be members of the state veterinary medical association of Alabama in good standing, and who shall be graduates of an accredited veterinary medical college, approved by the American Veterinary Medical Association. No board member shall serve more than two (2) terms of office, provided further, that any person serving as a board member as of the effective date of this act shall be entitled to serve an additional term of office. The state board of veterinary medical examiners shall be a body corporate, with the right to sue and be sued. It shall have and use a seal. It

shall have the right and power to hold hearings, to call witnesses and to take testimony bearing on the records of applicants for certificates of qualifications to practice veterinary medicine and surgery in Alabama, and on the records of practitioners who may be under consideration by the board on charges of misconduct. The state board of veterinary medical examiners in its corporate capacity, or any individual member of the board, may prosecute in court an action of quo warranto or other proper action to oust from the practice any unlawful practitioner of veterinary medicine or surgery or may assist the attorney general or any district attorney in prosecutions for criminal violations of this chapter."

"§ 34-29-23. The members of the state board of veterinary medical examiners shall receive \$75.00 a day for each day such a member is actually engaged in the work of the state board and, in addition, the usual per diem expenses allowed to other persons acting in the service of the state of Alabama or any of its agencies, institutions, boards, bureaus or commissions. The secretary-treasurer shall receive, in addition thereto, a salary of \$100.00 a year. He shall be required to make semiannual reports in detail to the board. The legal expenses of the board for administration of this chapter shall be paid from funds in the state treasury to the credit of the board and shall be paid only on warrant of the state treasurer and approved by the governor. No funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Title 41, chapter 4, article 4, of this Code and only in amounts as stipulated in the general appropriations act."

"§ 34-29-41. Every person who shall hold a certificate of qualification to practice veterinary medicine and surgery in Alabama and who shall engage in such practice shall pay an annual privilege license fee of an amount to be determined by the board, not to exceed \$25.00, which shall be paid to the secretary-treasurer of the state board of veterinary medical examiners, the same to be payable not later than January 15 in each calendar year; except, that those who receive certificates of qualification to practice during the calendar year shall have 10 days thereafter in which to pay such annual privilege license fee; and except, that former practitioners who resume practice during the calendar year shall have 10 days after such resumption of practice to pay such annual privilege license fee. Any person whose license has been suspended for failure to make annual renewal may have same reinstated upon payment to the board all fees that would have been paid if he/she had maintained their license in good standing plus a reinstatement fee of Fifty Dollars (\$50.00) and possible re-examination according to the discretion of the board. Each person who shall apply to the board for a certificate of qualification, whether upon examination or upon certification from another state, shall accom-

pany each such application with a fee of Fifty Dollars (\$50.00) in addition to all other costs involved in standing the state board examination. All fees collected hereunder shall be paid to the secretary-treasurer and shall be accounted for by him in detail. These fees shall be deposited in the state treasury to the credit of the state board of veterinary medical examiners and shall be used and expended by said board for the administration and enforcement of this article."

"§ 34-29-45. The state board of veterinary medical examiners shall, in its bylaws, fix times and places for at least two regular examinations each year and shall give wide publicity to the profession of the times and places of such regular examinations. It may hold special examinations from time to time and, in its own discretion, anywhere in the state of Alabama. At least three of the members must be present when any examination is conducted. Said examinations shall be theoretical and practical and may either be written or oral, partly written and partly oral. All examinations shall include the following subjects: veterinary anatomy, veterinary surgery, veterinary medicine, veterinary obstetrics, pathology and bacteriology, therapeutics and pharmacy, veterinary physiology, animal husbandry and dairying, meat inspection, milk inspection, chemistry and veterinary sanitation. The board is authorized to establish and collect an examination fee, not to exceed \$50.00, for each examination given."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-806

S. 485—Messrs. Cook, Callahan, Miller, Teague, Proctor, Vacca, White, Parsons, Goodwin, Mitchem, Lemaster, Denton, Smith, Holmes, Robertson, Hall, Keener, Glass, Taylor, Martin, Little and Gullledge

AN ACT

To provide further for the annual salary of the state treasurer of this state.

Be It Enacted by the Legislature of Alabama:

Section 1. All laws to the contrary notwithstanding, beginning

with the next term of office, the annual salary paid to the state treasury shall be Forty-Five Thousand Dollars (\$45,000.00) per annum.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed to the extent only that such laws and parts of laws conflict with this Act.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-807

S. 524—Mr. Mitchem

AN ACT

To amend Section 24-1-24, Code of Alabama 1975, dealing with housing authorities, so as to provide further for compensation to be paid to commissioners employed by such housing authorities in certain municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 24-1-24, Code of Alabama 1975, is hereby amended to read as follows:

“§ 24-1-24.

“An authority shall consist of five commissioners appointed by the mayor, who shall designate the first chairman. None of the commissioners may be city officials. The commissioners who are first appointed shall be designated by the mayor to serve for terms of one, two, three, four and five years, respectively, from the date of their appointment. Thereafter, the term of office shall be five years. A commissioner shall hold office until his successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term. Three commissioners shall constitute a quorum. The mayor shall file with the city clerk a certificate of the appointment or reappointment of any commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services but he shall be entitled to the necessary expenses including traveling expenses incurred in the discharge of his duties. However, commissioners serving

on the authority board located in any Class 7 municipality as defined in Section 11-40-12, Code of Alabama 1975, may receive such compensation as set by the council. This compensation is not mandatory and the amount and whether or not such compensation is to be paid is within the discretion of the council. The authority may, in its discretion, refuse to pay any compensation authorized by the council in such Class 7 municipalities. When the office of the first chairman of the authority becomes vacant, the authority shall select a chairman from among its members. An authority shall select from among its members a vice-chairman, and it may employ a secretary, who shall be executive director, technical experts, attorneys and such other officers, agents and employees, permanent and temporary, as it may require and shall determine their qualifications, duties and compensation. An authority may delegate to one or more of its agents or employees such power or duties as it may deem proper."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-808

S. 540—Mr. Teague

AN ACT

To amend Section 23 of the Alcoholic Beverage Licensing Code, being Act No. 80-529, Acts of Alabama 1980 now appearing as § 28-3A-23, Code of Alabama 1975, by deleting the residence requirements relating to wholesale licenses.

Be It Enacted by the Legislature of Alabama:

Section 1. Amend Section 23 of the Alcoholic Beverage Licensing Code, Act No. 80-529, Acts of Alabama 1980, now appearing as § 28-3A-23, Code of Alabama 1975, to read as follows:

"SECTION 23. Regulation of the grant of licenses.—No license prescribed in this Code shall be issued or renewed until the provisions of this Code have been complied with and the filing and license fees other than those levied by a municipality are paid to the board.

Licenses shall be granted and issued by the board only to reputable individuals who are citizens of the United States or to associations whose members are reputable individuals who are citizens of the United States, or to reputable corporations organized under the laws

of the State of Alabama or duly qualified thereunder to do business in Alabama, or, in the case of manufacturers, duly registered under the laws of Alabama, and then only when it appears that all officers and directors of the corporation are reputable individuals and are citizens of the United States, and that at least fifty-one percent of the capital stock is actually owned by individuals who are citizens of the United States. Provided, the residence or citizenship requirements of this paragraph do not apply to manufacturer licensees.

Every license issued under this Code shall be constantly and conspicuously displayed on the licensed premises.

Each retail liquor license application must be approved by the governing authority of the municipality if the retailer is located in a municipality, or by the county commission if the retailer is located in the county and outside the limits of the municipality before the board shall have authority to grant the license.

Any retailer may be granted licenses to maintain, operate or conduct any number of places for the sale of alcoholic beverages, but a separate license must be secured for each place where alcoholic beverages are sold. No retail license issued under this Code shall be used for more than one premise, nor for separate types of operation on the same premise. Each premise must have a separate retail license. Where more than one retail operation is located within the same building, each such operation under a separate or different ownership is required to obtain a separate retail license; and where more than one type of retail operation located within the same building is operated by the same licensee, such licensee must have a license for each type of retail operation. Provided, there shall be no licenses issued by the board for the sale of liquor, beer or wine by rolling stores.

No retailer shall sell any alcoholic beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accomodation of the general public; but this section shall not be interpreted to prevent a hotel or club licensee from selling such beverages in any room of such hotel or club house occupied by a bona fide registered guest or member or private party entitled to purchase the same.

All beer, except draft or keg beer, sold by retailers must be sold or dispensed in bottles, cans or other containers not to exceed one pint or sixteen ounces. All wine sold by retailers for off-premise consumption must be sold or dispensed in bottles or other containers in accordance with the standards of fill specified in the then effective Standards of Fill for Wine prescribed by the U. S. Treasury Department.

Draft or keg beer may be sold or dispensed within this state within

those counties in which and in the manner in which the sale of draft or keg beer was authorized by law upon the effective date of this Code or in which the sale of draft or keg beer is hereafter authorized by law; provided in rural communities with a predominantly foreign population, after the payment of the tax imposed by Title 28, Code of Alabama 1975, draft or keg beer may be sold or dispensed by special permit from the board, when, in the judgment of the board, the use and consumption of draft or keg beer is in accordance with the habit and customs of the people of any such rural community. Provided further the board may in its discretion grant, to any civic center authority or its franchisee or concessionaire, to which the board may have issued or may simultaneously issue a retail license under the provisions of this Code, a revocable temporary permit to sell or dispense in any part of its civic center for consumption therein, draft or keg beer. Either such permit shall be promptly revoked by the board if, in its judgment, the same tends to create intemperance or is prejudicial to the welfare, health, peace, temperance and safety of the people of the community or of the state.

No wholesaler shall maintain or operate any place where sales are made other than that for which the wholesale license is granted; provided, however, a wholesaler may be licensed to sell and distribute liquor, wine and beer. No wholesaler shall maintain any place for the storage of liquor, wine or beer unless the same has been approved by the board. No wholesaler license shall be issued for any premises in any part of which there is operated any retail license for the sale of alcoholic beverages.

Licenses issued under this Code may not be assigned. The board is hereby authorized to transfer any license from one person to another, or from one place to another within the same governing jurisdiction, or both, as the board may determine; but no transfers shall be made to a person who would not have been eligible to receive the license originally, nor for the transaction of business at a place for which the license could not originally have been issued lawfully.

Every applicant for a transfer of a license shall file a written application with the board within such time as the board shall fix in its regulations. Whenever any license is transferred, there shall be collected a filing fee of \$50.00, to be paid to the board, and the board shall pay such fee into the state treasury to the credit of the beer tax and license fund of the board.

In the event that any person to whom a license shall have been issued under the terms of this Act shall become insolvent, make an assignment for the benefit of creditors, be adjudicated a bankrupt by either voluntary or involuntary action, the license of such person shall immediately terminate and be cancelled without any action on the

part of the board, and there shall be no refund made, or credit given, for the unused portion of the license fee for the remainder of the license year for which said license was granted. Thereafter no license shall be issued by the board for the premises, wherein said license was conducted, to any assignee, committee, trustee, receiver or successor of such licensee until a hearing has been held by the board as in the case of a new application for license. In all such cases, the board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises, and the time it shall issue, and the period for which it shall be issued, and shall have the further power to impose conditions under which said licensed premises shall be conducted."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-809

S. 596—Mr. St. John

AN ACT

Relating to Cullman County; to levy and collect additional special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975 as amended; to amend the rates of tax levied on the categories of automotive vehicles, farm machinery, and manufacturing machines in Act No. 66, Second Special Session 1963 and Act No. 30, Special Session 1975; providing for the collection and enforcement of such taxes by the State Revenue Department; providing for the distribution and use of the proceeds and providing penalties for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words, terms, and phrases where used in this act shall have the following respective meanings except where the context clearly indicates a different meaning:

"County" means Cullman County in the State of Alabama.

"Commissioner" means the Commissioner of Revenue of the state.

"State Department of Revenue" means the Department of Revenue of the state.

"State" means the State of Alabama.

“State Sales Tax Statutes” means Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended, including all other statutes of the state which expressly set forth any exemptions from the computation of the taxes levied in said Division 1 and all other statutes which expressly apply to, or purport to affect, the administration of said Division 1 and the incidence and collection of the taxes imposed therein.

“State Sales Tax” means the tax or taxes imposed by the State Sales Tax Statutes.

“State Use Tax Statutes” means Article 2 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended, including all other statutes of the state which expressly set forth any exemptions from the computation of the tax levied in the said Article 2 and all other statutes of the state which expressly apply to or purport to affect the administration of the said Article 2 and the incidence and collection of the taxes imposed therein.

“State Use Tax” means the tax or taxes imposed by the State Use Tax Statutes.

“Registered Seller” means the person registered with the State Department of Revenue pursuant to the State Use Tax Statutes or licensed under the State Sales Tax Statutes.

“Month” means a calendar month.

“Quarterly Period” means the period of three months ending on the last day of each March, June, September, and December.

“Fiscal Year” means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year.

Except where another meaning is clearly indicated by the context, all definitions set forth in the State Sales Tax Statutes and the State Use Tax Statutes shall be effective as definitions of the words, terms, and phrases used in this act. All words, terms and phrases used herein, other than those hereinabove specifically defined, shall have the respective meanings ascribed to them in the State Sales Tax Statutes and the State Use Tax Statutes and shall have the same scope and effect that the same words, terms and phrases have where used in the State Sales Tax Statutes and the State Use Tax Statutes.

Section 2. Levy of Sales Tax. There is hereby levied in Cullman County, in addition to all other taxes of every kind now imposed by law, and to collect as herein provided, a privilege or license tax on account of the business activities and in the amount to be determined by the application of rates against gross sales or gross receipts,

as the case may be, as follows:

(a) Upon every person, firm, or corporation (including the State of Alabama, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions) engaged or continuing within the county in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stock, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, ships and other watercraft of over 50 tons burden) an amount of one percent of the gross proceeds of sales of the business, except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business; and provided further, that where any used part of an automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part, the tax levied herein shall be paid on the net difference, that is, the price of the new or used part sold less the credit for the used part taken in trade, provided, however, that this provision shall not be construed to include tires or batteries;

(b) Upon every person, firm, or corporation engaged or continuing within the county in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a municipal institution or association or a state, county or city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the county, an amount of one percent of the gross receipts of

any such business;

(c) Upon every person, firm, or corporation engaged or continuing within the county in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount of one-third of one percent of the gross proceeds of the sale of such machines; provided that the term "machine" as herein used shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used;

(d) Upon every person, firm, or corporation engaged or continuing within the county in the business of selling at retail any automotive vehicle, truck trailer, semitrailer, or house trailer, an amount of one-third of one percent of the gross proceeds of sale of said automotive vehicle, truck trailer, semitrailer or house trailer; provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck, trailer, semitrailer or house trailer shall remain the property of such person; provided, that each such year or part thereof shall be deemed to begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person; and provided further, that where any used automotive vehicle, truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade; and

(e) Upon every person, firm, or corporation engaged or continuing within the county in the business of selling at retail any machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to one-third of one percent of the gross proceeds of the sale thereof. Provided, however, the one-third of one percent rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public high-

way use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade; and

(f) Upon every person, firm, or corporation engaged or continuing within the county in the business of selling, through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, an amount of one percent of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection (f) shall be the gross proceeds of sales of such business.

There are exempted, however, from the provisions of this section and from the computation of the amount of the taxes authorized to be imposed in this section, the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the state sales tax statutes from the computation of the amount of the state sales tax.

Section 3. Levy of Use Tax. There is hereby levied and imposed an excise tax on the storage, use or other consumption of property in Cullman County as hereinafter provided in this section:

(a) An excise tax is hereby levied and imposed on the storage, use or other consumption in the county of tangible personal property (not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than 50 tons burden) purchased at retail on or after the effective date of such tax, for the storage, use or other consumption in the county on or after the effective date of such tax, at the rate of one percent of the sale price of such property, except as provided in subsection (b), (c), and (d) of this section;

(b) An excise tax is hereby levied and imposed on the storage, use or other consumption in the county of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property purchased at retail on or after the effective date of such tax for storage, use or other consumption in the county,

at the rate of one-third of one percent of the sales price of any such machine; provided, that the term "machine," as used herein shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and are customarily so used;

(c) An excise tax is hereby levied and imposed on the storage, use or other consumption in the county of any automotive vehicle, truck trailer, semitrailer or house trailer purchased at retail on or after the effective date of such tax for storage, use or other consumption in the county at the rate of one-third of one percent of the sales price of such automotive vehicle, truck trailer, semitrailer or house trailer; provided, that where any used automotive vehicle, truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax herein levied shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade; and

(d) An excise tax is hereby levied and imposed on the storage, use or other consumption in the county of any machine, machinery, or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, or poultry on farms, and the parts of such machines, machinery, or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery, or equipment and which are necessary to and customarily used in the operation of such machine, machinery, or equipment, which is purchased at retail after the effective date of this ordinance, for the storage, use or other consumption in the county at the rate of one-third of one percent of the sales price of such property within the county, regardless of whether the retailer is or is not engaged in the business in this county. Provided, however, the one-third of one percent rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities. Where any used machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products or used in connection with the production of agricultural produce or products, livestock, and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery, or equipment the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery, or equipment sold, less the credit

for the used machine, machinery, or equipment taken in trade; and

(e) An excise tax is hereby authorized to be levied and imposed on the classes of tangible personal property, and at not exceeding the rate authorized to be imposed on such classes, specified in subsections (a), (b), (c) or (d) of this section, on the storage, use or other consumption in the performance of a contract in the county of any such tangible personal property, new or used, the tax to be measured by the sales price or the fair and reasonable market value of such tangible personal property when put into use in the county, whichever is less; provided, however, the tax authorized to be imposed by this subsection shall not apply where the taxes imposed by subsections (a), (b), (c) or (d) of this section apply.

There are exempted from the provisions of this section, and from the taxes imposed by this section, the storage, use or other consumption of property the storage, use or other consumption of which is presently exempted under the state use tax statutes from the state use tax. Subject to those exemptions, every person storing or using or otherwise consuming in the county tangible personal property purchased at retail on or after the effective date of such taxes shall be liable for the taxes imposed by this section, and the liability shall not be extinguished until the tax has been paid by such person; provided, however, that a receipt from a registered seller given pursuant to Section 6 of this act to the purchaser of any property to be used, stored or consumed in the county shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 4. Payment of Taxes Herein Levied; Reports by Taxpayers. The sales taxes levied in Section 2 hereof shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues; and the use taxes levied in Section 3 hereof shall be due and payable quarterly on or before the twentieth day of the month next succeeding each quarterly period during which the storage, use or other consumption of the tangible personal property became taxable hereunder, each such quarterly period to end on the last day of each of the months of March, June, September, and December. The sales taxes levied in Section 2 of this act shall be paid to and collected by the State Department of Revenue at the same time as and along with the payment and collection of the state sales tax; and the use taxes levied in Section 3 of this act shall be paid to and collected by the State Department of Revenue at the same time as and along with the payment and collection of the state use tax. On or prior to the due dates of the taxes herein levied, each person subject to such taxes shall file with the State Department of Revenue a report or return in such form as may be prescribed by the said Department, setting

forth, with respect to all sales and business that are required to be used as a measure of the sales taxes herein levied, a correct statement of the gross proceeds of all such taxes and the gross receipts of all such business, and setting forth, with respect to the use taxes levied herein the total sales price of all property, the use, storage or other consumption of which became subject to the said taxes during the then preceding quarterly period. Such report shall include all such other items of information pertinent to the said taxes and the amount thereof as the State Department of Revenue may require. Any person subject to the sales taxes levied herein may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the State Department of Revenue under this section shall be available for inspection by the governing body of the county or its designated agent at reasonable times during business hours.

Section 5. Sales Tax to be Added to Sales Price or Admission Fee. Each person engaging or continuing within the county in a business subject to the sales taxes levied in Section 2 hereof shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes. It shall be unlawful for any person subject to the sales taxes levied in the said Section 2 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or the person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said taxes to refund or offer to refund to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said taxes or any portion thereof.

Section 6. Special Provisions Respecting Payment of Use Tax; Receipts and Returns by Registered Sellers. Every registered seller making sales of tangible personal property for storage, use or other consumption in the county (which storage, use or other consumption is not exempted from the use taxes herein levied) shall at the time of making such sale, or if the storage, use or other consumption of such tangible personal property in the county is not then subject to the taxes herein levied, at the time such storage, use or other consumption becomes subject to the taxes herein levied, collect the tax from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the State Department of Revenue. On the twentieth day of the month next succeeding following the close of each quarterly period, each registered seller shall file with the State Department of Revenue a return for the then preceding

quarterly period in such form as may be prescribed by the State Department of Revenue showing the total sales price of the tangible personal property sold by such registered seller, the storage, use or other consumption of which became subject to the use taxes herein imposed, during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the use taxes required to be collected by such registered seller during the period covered by the return; provided that any registered seller may defer collecting the taxes with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales, shall include in each quarterly report all credit collections made during the preceding quarterly period and shall remit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage or other consumption of tangible personal property in the county need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property the storage, use, or other consumption of which is subject to the use taxes imposed herein, and who has not paid the said use taxes due with respect thereto to a registered seller, shall report and pay said use taxes as required by Section 4 hereof. It shall be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the use taxes imposed herein or to refund or offer to refund or absorb, or to advertise directly or indirectly, the absorption of said use taxes or any portion thereof.

Section 7. Enforcement of This Act; Civil Suit; Taxes a Lien. The taxes imposed by this act shall constitute a debt due Cullman County and may be collected by civil suit, in addition to all other methods provided by law and in this Act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All the provisions of the revenue laws of the state which apply to the enforcement of liens for license taxes due the state shall apply fully to the collection of the taxes herein levied, and the State Department of Revenue, for the use and benefit of the county as hereinafter specified, shall collect such taxes and enforce this Act and shall have and exercise for such collection and enforcement all rights and remedies that the State Department of Revenue has for collection of the State Sales Tax and the State Use Tax. The State Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes levied by this act and otherwise to enforce the provisions of this Act, includ-

ing the institution, prosecution and defense of any litigation involving this Act; and the said Department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it hereunder.

Section 8. Applicability of State Sales and Use Tax Statutes. All provisions of the State Sales Tax Statutes with respect to payment, assessment, and collection of the State Sales Tax, making of monthly reports and keeping and preserving records with respect thereto, interest after the due date of said tax, penalties for failure to pay the said tax, make reports or otherwise comply with the State Sales Tax Statutes, the promulgation of rules and regulations with respect to the State Sales Tax, and the administration and enforcement of the State Sales Tax Statutes, which are not inconsistent with the provisions of this Act, when applied to the sales taxes levied in Section 2 hereof, shall apply to the sales taxes levied in Section 2; and all provisions of the state use tax statutes with respect to payment, assessment and collection of the State Use Tax, making quarterly reports and keeping and preserving records with respect thereto, interest after the due date of the State Use Tax, penalties for failure to pay said tax, make reports or otherwise to comply with the State Use Tax Statutes, the promulgation of rules and regulations with respect to the State Use Tax and the administration and enforcement of the State Use Tax Statutes, which are not inconsistent with the provisions of this Act, when applied to the use taxes levied in Section 3 hereof, shall apply to the use taxes in the said Section 3. The Commissioner and the State Department of Revenue shall have and exercise the same powers, duties and obligations, with respect to the taxes herein levied, that are imposed on the Commissioner and the said Department by the State Sales Tax Statutes and the State Use Tax Statutes. All provisions of the State Sales Tax Statutes and the State Use Tax Statutes that are made applicable by this Act to the taxes herein levied and to the administration of this Act are incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 9. The State Department of Revenue shall charge Cullman County for collecting the special county tax levied under this Act such amount or percentage of total collections as may be agreed upon by the Commissioner of Revenue and the Cullman County Commission, but such charge shall not, in any event, exceed ten percent of the total amount of the special county tax collected in said county under this Act. Such charge for collecting such special tax may be deducted each month from the gross revenues from such special tax before certification of the amount of the proceeds thereof due Cullman County for that month. The Commissioner of Revenue shall pay into the state treasury all tax collected under this Act, as

such tax is received by the Department of Revenue, and on or before the first day of each successive month (commencing with the month following the month in which the Department makes the first collection hereunder) the Commissioner shall certify to the State Comptroller the amount of tax collected under the provisions of this Act and paid by him into the State Treasury for the benefit of Cullman County during the month immediately preceding such certification. Provided, however, that before certifying the amount of the tax paid into the state treasury for the benefit of Cullman County during each month, the Commissioner may deduct from the tax collected in said month the charge due the Department for the collection of tax for the county. It shall be the duty of the Comptroller to issue his warrant each month payable to the County Treasurer of Cullman County in his official capacity in an amount equal to the amount so certified by the Commissioner of Revenue as having been collected for the use of the county.

Section 10. The one-half of one percent rates of tax levied on automotive vehicles, farm machinery, and manufacturing machines in Act No. 66, Second Special Session 1963 are hereby amended to rates of one-third of one percent. The one-half of one percent rates of tax levied on automotive vehicles, farm machinery, and manufacturing machines in Act No. 30, Special Session 1975 are hereby amended to rates of one-third of one percent.

Section 11. The proceeds of any taxes herein authorized to be levied shall be distributed as follows:

- (1) 45 percent to the general fund of the City of Cullman;
- (2) 15 percent to the general fund of Cullman County to be used by the County Commission;
- (3) 15 percent to the Cullman County Commission to the credit of the road fund;
- (4) 10 percent to the Cullman County Commission for use by the Cullman County Board of Education;
- (5) 10 percent to the municipalities of Cullman County except Cullman to be distributed on a population basis; and
- (6) 5 percent to the rural volunteer fire departments of the county, to be equally distributed among the following volunteer fire departments in Cullman County: Arkadelphia, Baileyton, Battle Ground, Berlin, Bethsadia, Bremen, Cold Springs, Crane Hill, Dodge City, Fairview, Garden City, Gold Ridge, Good Hope, Holly Pond, Johnson Crossing, Jones Chapel, Joppa, Logan, Loretto, Providence, Sardis, Trimble, Walter, and West Point.

The Hanceville Fire Department shall also receive a share of such proceeds equal to that received by each said volunteer fire department. Additionally, volunteer fire departments may be designated to receive funds hereunder by resolution of the Cullman County Commission upon the recommendation of the Cullman County Volunteer Fire Department Association and the Cullman office of the Alabama Forestry Commission.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 14. This Act shall become effective on the first day of June, 1981.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-810

S. 641—Mr. White

AN ACT

To amend Section 34-23-90 of the Code of Alabama 1975, to provide on the Alabama State Board of Pharmacy representation of hospital pharmacists by changing the method of making nominations from which appointments are made to the Board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-23-90 of the Code of Alabama 1975, be and the same is hereby amended to read as follows:

The Alabama State Board of Pharmacy is hereby vested with the authority to carry out the purposes and enforce the provisions of this chapter. The Board shall consist of five members, at least one of which shall be actively engaged in the practice of pharmacy in a hospital. The members of the Board shall be licensed pharmacists who have been licensed in this state for a minimum of 10 years and who are actively engaged in the practice of pharmacy. On or before December 1 of 1981 and five years thereafter or whenever a vacancy occurs in the designated position, the Alabama Society of Hospital Pharmacists shall submit a list of five pharmacists actively engaged in the practice of pharmacy and working at least 75% of the time in a hospital pharmacy. On or before December 1 of 1983, December 1 of 1984, December 1 of 1985 and five years from these dates or whenever a vacancy occurs

in a non-designated position, the Alabama Pharmaceutical Association shall submit a list of five pharmacists actively engaged in the practice of pharmacy and working at least 75% of the time in a retail pharmacy. From the names submitted to the governor, he shall appoint a replacement for the member(s) whose term is next expiring on or before December 31 of the same year in which he receives the nominations. Any vacancies occurring on the Board other than by expiration of term shall be filled only for the unexpired term by appointment by the Governor from the most recent list of nominations submitted. The first vacancy which occurs on the Board following the passage of this statute shall be filled from the list submitted by the statewide professional organization representing those actively engaged in the practice of pharmacy in a hospital. Each member of the Board shall serve a term of five years beginning on January 1 following his appointment and terminating on December 31 of his fifth year as a member of the Board, or until his successor is appointed and duly qualified. The governor, upon recommendation of the Board, may remove a member of the Board upon proven charges of inefficiency, incompetency, immorality, or professional misconduct. Appointees to the Board shall within 30 days after their appointment take an oath or make affirmation before a properly qualified officer that they will faithfully and impartially perform the duties of their office. This oath or affirmation shall be filed with the Secretary of State. At its last regular meeting in each calendar year, the Board shall organize by electing for a term of one year, effective the following January 1, a president, a vice-president and a treasurer who shall be members of the Board. The Board shall also elect a secretary who may or may not be a member of the Board and who shall be compensated for his services by the Board, and the Board shall have the authority to fix the amount of the secretary's remuneration.

Section 2. If any part of this Act be declared unconstitutional or invalid for any reason by any court of competent jurisdiction, the remaining portion or portions of this Act shall be and remain in full force and as valid as if such part had not been incorporated therein.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 27, 1981

Time: 9:00 A.M.

AN ACT

To amend Section 40-12-414, Code of Alabama 1975, by providing that a licensee may file a financial statement with the department of revenue in lieu of posting a cash bond or surety bond; to amend Section 40-12-421, Code of Alabama 1975; to provide that only licensed dismantlers and recyclers as defined by this act will be permitted to buy at salvage pools, and revoking the privilege of licensees under Article 8, Chapter 12, Code of Alabama 1975, to buy at such pools; and further to amend said section by revoking all buyer identification cards heretofore issued under this Article and requiring all persons, firms or corporations who qualify to obtain a new buyer's identification card and pay the fee prescribed.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-12-414 of the Code of Alabama 1975, is hereby amended to read as follows:

“§ 40-12-414. Every person, firm, or corporation, before being licensed under this article, must show proof of responsibility by depositing with the commissioner of revenue cash in the amount of \$5,000.00 or a continuing bond in the amount of \$5,000.00 with surety thereon of a company authorized to do business in the state of Alabama, which bond shall be approved by the commissioner of revenue, payable to the state of Alabama, and shall be conditioned upon the faithful observance of all the provisions of this article and shall also indemnify any person who suffers any loss by reason of a failure to observe the provisions of this article, or in lieu thereof applicant may file with the commissioner a condensed balance sheet as part of the application for a license, or each renewal thereof, in a form prescribed by the commissioner and sworn to by the applicant evidencing a net worth of not less than \$100,000.00 of which \$50,000.00 must consist of real estate in the applicant's name.”

Section 2. Section 40-12-421 of the Code of Alabama 1975 is hereby amended to read as follows:

“§ 40-12-421. (a) Sales at a salvage pool or a salvage disposal sale shall be open only to persons holding a current automotive dismantler and parts recycler license or their agents or employees as hereinafter defined. Such persons must have a separate buyer's identification card to buy at a salvage pool or salvage disposal sale.

“(b) Any person, firm or corporation desiring to purchase a buyer's identification card must do so by making application to the department of revenue upon a form prescribed by the department, which form shall contain:

“(1) The name of the applicant.

“(2) The street address of the applicant's principal place of business.

“(3) If an agent or employee, the name of the licensee for whom the applicant will be making purchases at salvage pools or salvage disposal sales.

“(4) The license number under which the applicant will be making purchases.

“(5) Such other information as may be required by the department of revenue.

“(c) In order to obtain a buyer’s identification card, a person, firm or corporation must:

“(1) Be a licensed automotive dismantler and parts recycler or an agent or employee of a licensed automotive dismantler and parts recycler.

“(2) Pay a fee of \$10.00 to the department of revenue for processing said buyer’s identification card. The card shall be valid as long as the holder is a licensed automotive dismantler and parts recycler or an agent or employee of the same licensed automotive dismantler and parts recycler at the time the card is issued. Buyer’s identification cards are not transferable, and should the holder no longer be a licensed automotive dismantler and parts recycler or an agent or employee of a licensed automotive dismantler and parts recycler, then the card becomes invalid and it is the duty of the holder to return the same to the department of revenue.

“(d) A licensee shall not have more than three agents or employees who are holders of a buyer’s identification card.

“(e) It shall be unlawful for the owner, manager or person in charge of any salvage pool or salvage disposal sale to permit the bidding by a person who does not possess a valid buyer’s identification card at a sale.

“(f) All buyer identification cards heretofore issued by the department of revenue are hereby revoked and each person, firm or corporation, who qualify and desire to obtain a new buyer’s identification card must re-submit their application and pay the fee prescribed.”

Section 3. This act shall become effective October first after its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-812

S. 644—Mr. White

AN ACT

To exempt the Alabama Federation of Women's Clubs from the payment of all state, county and municipal sales and use taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Federation of Women's Clubs is hereby exempted from paying any state, county or municipal sales or use taxes.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-813

S. 647—Mr. Parsons

AN ACT

To provide for domestic violence shelters to grant relief from family violence disturbances; to prescribe the duties, responsibilities and powers of the office of prosecution services, the district attorneys, the executive committee of the Alabama District Attorney Association, and the facilities relating to administering the provisions of this act; to provide for certification, process, contracting and certain funding for facilities and programs which provide service for victims of domestic violence; to authorize each participating district attorney to formulate and conduct certain research, evaluation and educational programs related thereto within its jurisdiction or community; to empower the said facilities to enlist the assistance of certain public, voluntary and state agencies and to be established or operate on a joint basis; to authorize contracting for services or shelter; to prescribe that the participating district attorneys, facilities and the office of prosecution services shall make certain reports; to provide certain matching funds for qualified applicants for contracting services or shelter, and to establish eligibility and standards therefor; to exempt certain facilities from the provisions of Title 38, Chapter 7 of the Code of Alabama 1975; to prescribe that certain information shall be confidential; to increase marriage license fees for purposes of funding the provisions of this act; to prescribe a limitation on the use of matching funds for administration of the provisions of this act; to provide for the disposition of unencumbered and unspent funds; and to provide for certain immunities.

Be It Enacted by the Legislature of Alabama:

Section 1. In this act, the following words shall have the following meanings unless the context clearly indicates otherwise:

(a) "Abuse" means the occurrence of one or more of the following acts between family members who reside together:

(1) Attempting to cause or intentionally, knowingly or recklessly causing physical injury with or without a deadly weapon.

(2) Placing by physical menace another in fear of imminent serious physical injury.

(3) Abusing minor children as defined under Title 26, Chapter 15 of the Code of Alabama 1975, known as "The Alabama Child Abuse Act."

(b) "Spouse" means a person to whom another is married.

(c) "Office" means the office of prosecution services.

(d) "Domestic Violence Shelter" or "facility" means a facility which provides services or shelter to victims as herein defined and which has been certified by the office of prosecution services to receive matching funds.

(e) "Victim" means any individual suffering assault, battery, rape or other physical abuse inflicted by his or her spouse, or others, and any dependent of such individual, including a child.

Terms not otherwise defined by this act shall have the meaning given to them by the Alabama Criminal Code, Title 13A, Code of Alabama 1975, or other provisions of law, as the case may be.

Section 2. The legislature recognizes that certain persons who assault, batter, or otherwise abuse their children, spouses and other family members and the persons subject to such abuse are in need of treatment and rehabilitation. It is the intent of the legislature to assist in the development of domestic violence shelters and services for the victims of such abuse and to provide a place where the parties involved may be separated until they can be properly assisted.

Section 3. It shall be the duty of the office:

(a) To establish minimum program requirements and standards for certifying domestic violence facilities to receive state funds.

(b) To receive applications for state funding of such facilities.

(c) To approve or reject each application within 60 days of receipt of the application.

(d) To distribute funds to a certified facility within 45 days after approval.

(e) To evaluate annually each shelter for compliance with the minimum standards.

The office or the district attorney from any participating circuit shall have the right to enter and inspect the premises of domestic violence shelter at any reasonable hour in order to effectively evaluate the state of compliance of such facility with the provisions of this act and rules in force pursuant thereto.

The executive committee of the Alabama District Attorneys Association shall prescribe by rule the procedures by which subsection (a) shall be implemented.

Any facility which shelters children, pursuant to the provisions of this act, shall be exempt from the provisions of Title 38, Chapter 7 of the Code of Alabama 1975.

Section 4. Without using designated shelter funds, the respective district attorneys of each participating circuit may, within their jurisdiction and community:

(a) Formulate and conduct a research and evaluation program on domestic violence and cooperate with and assist and participate in programs of other properly qualified agencies, including any agency of the state, federal government, schools of medicine, hospitals, and clinics, in planning and conducting research on the prevention, care, treatment, and rehabilitation of persons engaged in or subject to domestic violence.

(b) Serve as a clearinghouse for information relating to spouse abuse and domestic violence.

(c) Carry on educational programs on domestic violence for the benefit of the general public, persons engaged in or subject to spouse abuse, professional persons, or others who care for or may be engaged in the care and treatment of persons engaged in or subject to spouse abuse and domestic violence.

(d) Enlist the assistance by contract or otherwise, of public and voluntary health, education, welfare, and rehabilitation centers or agencies in a concerted effort to prevent spouse abuse, child abuse and domestic violence and to treat or provide shelter for persons engaged in or subject to such abuse or violence.

Section 5. On or before sixty (60) days prior to each regular session of the legislature, each participating district attorney shall report to the office, pursuant to Section 12-17-221 of the Code of Alabama 1975, and the provisions of this act, and the office shall furnish to the President of the Senate and the Speaker of the House of Representatives, on or before the third day of each regular session,

a report on the status of domestic violence and spouse abuse in Alabama which shall include, but not be limited to, the following:

(a) Incidence of domestic violence, spouse and child abuse in this state, in each circuit and in each county.

(b) Identification of the areas of the state where such activity is of significant proportions, indicating the number of cases officially reported as well as an assessment of the degree of unreported cases of spouse abuse.

(c) Identification and description of the types of programs in the state that assist victims or persons initiating such violence and abuse, including information on funding for the programs.

(d) The number of persons treated by or assisted by local programs or centers receiving funding.

(e) A statement on the effectiveness of such programs in preventing future domestic violence and spouse abuse.

(f) An inventory and evaluation of existing prevention programs.

(g) A listing of potential prevention efforts identified by each facility, county or circuit or by the office; the estimated annual cost of providing such prevention services, both for a single client and for the anticipated target population as a whole; identification of potential funding sources; and the projected funding sources; and the projected benefits of providing such services.

Section 6. In order to be funded and certified, each facility shall:

(a) Provide a shelter, whether public or private, which will serve as a center to receive and house persons who are domestic violence victims;

(b) Receive the periodic written endorsement of the participating circuit's district Attorney and the local law enforcement agency within the jurisdiction of the site; and

(c) Receive fifty (50) percent of its funding from one or more local, municipal, or other county sources, public or private. Funding generated pursuant to Section 11 of this act shall not be included in calculating this fifty percent (50%). Contributions or services in kind, whether materials, commodities, transportation, office space, other types of facilities, or personal services, may be evaluated and counted as part of the required local funding. Provided, however, the executive committee of the Alabama district attorney association shall have in writing the weight that is given for each such in kind

contribution.

(d) Provide minimum services which shall include, but not be limited to, information and referral services, counseling services, temporary emergency shelter for more than twenty-four hours, and educational services for community awareness relative to the incidence of domestic violence, child and spouse abuse, the prevention of such abuse, and the care, treatment, and rehabilitation for persons engaged in or subject to such abuse.

(i) Domestic violence facilities may be established throughout the state as private, local, state, or federal funds are available. Any local agency or organization may apply to participate in certification and state funding. No provision of this act shall be construed to prohibit any such agency or organization from uniting with a like agency or organization, within or without the same county or within or without any adjacent circuit, in the joint establishment or operation of any domestic violence facility.

(ii) The facilities shall establish procedures pursuant to which persons subject to domestic violence may seek services from these facilities on a voluntary basis.

(iii) Each facility shall have a board composed of at least three citizens, one of whom shall be a member of a local, municipal, or county law enforcement agency.

(iv) No individual facility shall receive a total amount in excess of \$75,000 annually.

(v) Each facility shall submit their proposed budget at the request of the office and prior to any application for funds.

Section 7. Each circuit shall receive a proportionate share of the total funding appropriated, as the population of the circuit or circuits jointly bear to the total population of the state, according to the most recent federal decennial census, for implementation of the provisions of this act. Each facility shall receive the matching funds as determined by the policy adopted by the office. The formula for such funding shall be deemed a public record. In no event shall any facility expend in excess of five percent (5%) of the available matching funds to administer the provisions of this act. Nor shall the office expend in excess of ten percent (10%) of the funds administered by it to implement the provisions of this act.

Section 8. Information received by the office, the circuit, any district attorney or his employees, or by authorized persons employed by or volunteering services to a facility, through files, reports, inspection, or otherwise, shall be deemed confidential information, except as otherwise herein provided, and shall not be disclosed publicly in

such a manner as to identify individuals or facilities. Each facility, with the approval of the office, shall establish its own rules, regulations and policies for the performance of the responsibilities charged to it in this act.

The office shall ensure that the information obtained under authority of this act shall be restricted to the items germane to the implementation thereof and shall ensure that the provisions are administered so as not to accumulate any information or distribute any information that is not required by this act. The office and each participating district attorney shall ensure that adequate safeguards are incorporated so that data available is used only by properly authorized persons, facilities and agencies.

Section 9. Where facilities are available, any lawful enforcement officer who investigates an alleged incident of domestic violence may advise the person subject to the abuse of the availability of a facility from which he or she may receive services.

Section 10. The office is authorized to promulgate, issue and implement reasonable rules, regulations and standards necessary to administer and implement the provisions of this act.

Section 11. Commencing October 1, 1981, and thereafter, in addition to any and all other fees collected for any marriage license, the probate judge shall collect five dollars (\$5.00) which shall be forwarded to the district attorney of the judicial circuit of his county. Such funds shall be designated only for the purposes of this act, and forwarded monthly to the office for distribution on a formula, pursuant to the provisions of Section 7 and other provisions of this act. Provided, however, no unspent and unencumbered funds generated by this act shall revert to the general fund of the state treasury at the end of the fiscal year. The second full fiscal year after the enactment of the provisions of this act any such unspent and unencumbered funds shall be returned to the respective judicial circuits from which they were generated. The district attorney shall use such funds exclusively for the purposes of law enforcement related to abuse as defined by this act.

Section 12. Any person, firm, corporation or official acting pursuant to this Act, or participating in a judicial proceeding resulting therefrom, shall, in so doing, be immune from any civil liability that otherwise might be incurred or imposed.

Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. The provisions of this Act are supplemental and

shall be construed in *pari materia* with other laws relating to domestic relations, abuse and law enforcement; and provided, however, that those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 15. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-814

S.J.R. 216—Mr. Parsons

SENATE JOINT RESOLUTION

HONORING JUDGE GARDNER F. GOODWYN, JR., UPON HIS RETIREMENT AS CIRCUIT JUDGE.

WHEREAS, Judge Gardner F. Goodwyn, Jr., ends an outstanding judicial career on May 31, 1981, as Circuit Judge, Tenth Judicial Circuit, Place Number Five, from Bessemer, Alabama; and

WHEREAS, Judge Goodwyn was appointed to the bench when his father retired in 1950 and has served continuously for more than 30 years; and

WHEREAS, He is a faithful member of the First Christian Church in Bessemer and has served on the Board of Trustees of Montevallo University for eight years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Judge Gardner F. Goodwyn, Jr., on his prestigious judicial career with our gratitude expressed for his outstanding service to the citizens of Bessemer.

BE IT FURTHER RESOLVED, That Judge Goodwyn receive a copy of this resolution as a token of our deep appreciation and high regard.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-815

S.J.R. 217—Mr. Barron

SENATE JOINT RESOLUTION

COMMENDING BOB HAAS OF THE MONTGOMERY ACADEMY, WINNER OF THE PRESTIGIOUS JIMMY HITCHCOCK MEMORIAL AWARD.

WHEREAS, it is with utmost commendation that the Alabama Legislature congratulates Bob Haas of The Montgomery Academy, recipient of the 22nd Annual Jimmy Hitchcock Memorial Award for "outstanding Christian leadership in athletics"; and

WHEREAS, Bob Haas received the coveted award during impressive ceremonies on May 4, 1981; he was selected from a field of 49 outstanding young high school athletes in the Montgomery area and was the first small-school recipient to be chosen for this outstanding honor; and

WHEREAS, a talented young three-sport athlete — in football, baseball and basketball — Bob is a senior at Montgomery Academy and has previously won more than two dozen awards including the Advertiser-Journal 1980 Small School Player of the Year in football and baseball; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Bob Haas of Montgomery, Alabama, both for athletic excellence and for outstanding leadership through qualities of strength, character and high moral standards.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Bob and to his parents, Mr. and Mrs. Robert P. Haas, that they and his sister, Josie, may share, as do we, great pride in his accomplishments.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-816

S.J.R. 218—Mr. Goodwin

SENATE JOINT RESOLUTION

NAMING THE ALABAMA SHERIFFS BOYS RANCH, THE "ALABAMA SHERIFFS BOYS' AND GIRLS' RANCHES, INC."

WHEREAS, the Boys Ranch located South of Selma in Dallas County, Alabama, was founded by and has since been sponsored by the Alabama Sheriffs Association and was named the "Alabama Sheriffs Boys Ranch"; and

WHEREAS, since its inception in the 1960's the Ranch was grown to include units near Hartselle, Auburn, Pell City and Clayton, Alabama, and now includes a girl's ranch as well; and

WHEREAS, it is deemed appropriate that the name of this non-profit charitable corporation be changed to reflect not only the ranch's growth but the inclusion also of the Girls' Ranch facilities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Sheriffs Boys Ranch is hereby named and designated the "Alabama Sheriffs Boys' and Girls' Ranches, Inc."

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-817

S.J.R. 220—Mr. Gulledge

SENATE JOINT RESOLUTION

COMMENDING MISS BARBARA BAGGETT FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, the Alabama Legislature notes with utmost commendation the recent designation of Miss Barbara Baggett of Daphne, Alabama, as a Certified Municipal Clerk by the International Institute of Municipal Clerks; and

WHEREAS, it is to be further noted that in attaining this honor, which is granted only upon completion of rigid requirements, Miss Baggett became the first municipal clerk in Baldwin County to receive certification by the Institute; and

WHEREAS, Miss Baggett completed a three-year educational program for professional clerks at the University of Alabama, a course which involved more than 100 student-instructor contact hours of in-depth study in public administration and functionally related subjects; and

WHEREAS, Miss Baggett's additional certification point requirements, established by the Institute, were based on her years of experience, and outstanding service as Daphne City Clerk-Treasurer since 1964; and

WHEREAS, professionally, Miss Baggett serves as President of the Alabama Society of Municipal Clerks and Administrators and she

has previously served the Alabama League of Municipalities as a member of the Finance Budget Manual Planning Committee; and

WHEREAS, Miss Baggett, who is a graduate of Fairhope High School, is an active member of the Daphne Baptist Church where she has served on various committees and, currently, as Church Clerk and Sunday School teacher; and

WHEREAS, in 1976 she was voted Outstanding Citizen of Daphne, was honored in 1979 as Outstanding Woman of the Eastern Shore and, in 1970, won First Place in the Annual Competition of the Alabama Society of Certified Public Accountants for the most improvement in her city's bookkeeping system; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Miss Barbara Baggett of Daphne, Alabama, for professional excellence and for outstanding community service.

BE IT FURTHER RESOLVED, That Miss Baggett receive a copy of this resolution in token of our admiration, sincere praise and warm personal regard.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-818

S.J.R. 223—Mr. Little

SENATE JOINT RESOLUTION

EXTENDING CONGRATULATIONS AND BEST WISHES TO MISS SANDRA ANN BROWN AND MR. JOSEPH RAYMOND CROSBY, III.

WHEREAS, the Legislature of Alabama, in personal interest and pleasure, notes the imminent marriage, on June 13, 1981, in Osterville, Massachusetts, of Miss Sandra Ann Brown to Mr. Joseph Raymond Crosby, III; and

WHEREAS, Miss Brown, who is a graduate of Wheelock College in Boston with a B.S. Degree, is an Editor with The Loyola University Press in Chicago, Illinois; and

WHEREAS, Mr. Crosby is a graduate of the University of Alabama where he was awarded his B.A. Degree and is a graduate also of John Marshall Law School in Chicago; he is a member of both the Illinois and the Alabama State Bar Associations, and is an attorney with the Legislative Reference Service, State of Alabama; and

WHEREAS, Ray Crosby, who has been named among the "Outstanding Young Men in America," has exhibited extraordinary professionalism in his service to the Legislature and is a legal analyst upon whom we have come to rely for consistent accuracy of performance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate our friend and associate, Joseph Raymond Crosby, III, on his forthcoming marriage to Miss Sandra Ann Brown.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Sandy and Ray that they may know of our warm best wishes for every happiness and success in their life together.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-819

S.J.R. 224—Mr. Little

COMMENDING MR. ROWDY GAINES FOR BEING NAMED RECIPIENT OF THE 1981 CLIFF HARE AWARD.

WHEREAS, the Alabama Legislature notes with high praise that Mr. Rowdy Gaines has recently been named recipient of the 1981 Cliff Hare Award; and

WHEREAS, the award is given in memory of Clifford Leroy Hare, a member of Auburn University's first football team, professor of chemistry, president of the Southern Conference and chairman of Auburn's faculty athletic committee and is given annually to the "student who, in addition to athletic and scholastic achievement, exhibits in great degree the qualities of leadership, integrity and courage"; and

WHEREAS, Rowdy Gaines, under the leadership and guidance of Auburn swim coach Richard Quick, was captain of the 1980-81 swim team which finished fifth in the nation and holds the world and American records in both the 100-meter and 200-meter freestyles; and

WHEREAS, Rowdy exemplifies all the qualities and attributes of a fine athlete including the spirit of good sportsmanship, great ability, moral strength and self-discipline, and superior leadership and understanding; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily

congratulate and commend Rowdy Gaines for being named recipient of the 1981 Cliff Hare Award, the highest honor an Auburn athlete can receive.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Rowdy Gaines and Coach Richard Quick that they may know of our congratulations, high esteem and praise.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-820

S.J.R. 235—Messrs. Little and Taylor

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. REX ERSKINE SIKES OF LUVERNE, ALABAMA.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of Mr. Rex Erskine Sikes of Luverne, Alabama, on May 2, 1981, at the age of 72; and

WHEREAS, one of Crenshaw County's most prominent citizens, Mr. Sikes had for many years been deeply involved in the civic, community and religious affairs of that area of our State; he was a Deacon in the First Baptist Church of Luverne and was a former Rotarian who served as president of the local club in 1971; and

WHEREAS, Mr. Sikes, who was affiliated with Luverne Motor Company for many years, also was active in political affairs on both local and state levels, having served on various commissions and authorities for the City of Luverne through the years, and as Crenshaw County Campaign Manager for Governor Fob James; and

WHEREAS, as one who served, in care and concern, for the betterment of his community and the well-being of his fellow citizens, Mr. Sikes will be sorely missed by his beloved family, his many, many friends and by all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Rex Erskine Sikes of Luverne, Alabama and direct that a copy of this resolution be sent to his wife, Mrs. Eleanor Britt Sikes, that she and their sons, Stanley and William Sikes, and other family members may know we deeply share the sorrow of their great loss.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-821

S.J.R. 237—Mr. Britnell

SENATE JOINT RESOLUTION

NAMING THE LIBRARY AT NORTHWEST ALABAMA STATE JUNIOR COLLEGE, THE "JAMES A. GLASGOW LIBRARY."

WHEREAS, James A. Glasgow served with distinction, from 1961 until January 1, 1981, as the first President of Northwest Alabama State Junior College in Phil Campbell, Alabama; and

WHEREAS, Mr. Glasgow, who played an instrumental role in the establishment of Northwest Alabama State Junior College, nurtured the school from an opening enrollment of just 49 students, in 1963, to an institution which served over 10,000 persons during its presidency; and

WHEREAS, James A. Glasgow has been one of our state's most prominent educators for more than three decades and, most particularly, has contributed greatly to the development of Alabama's junior and community college system; and

WHEREAS, it is deemed fitting that James A. Glasgow, as the first president of Alabama's first public junior college, be appropriately honored for his notable contributions to education in Alabama and for his distinguished service to Northwest Alabama State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the library at Northwest Alabama State Junior College in Phil Campbell, Franklin County, Alabama, the "James A. Glasgow Library."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said library.

RESOLVED FURTHER, That a copy of this resolution be presented to Mr. Glasgow in expression of our deep gratitude and in token of this honorary designation.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-822

H. 84—Rep. Manley

AN ACT

To amend Section 16-13-146, Code of Alabama 1975, to increase the interest rate which county and city boards of education may pay on current loans secured in accordance with the provisions of Section 16-13-145, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-13-146, Code of Alabama 1975 is hereby amended to read as follows:

“§16-13-146. Interest rate on current loans. County and city boards of education shall have authority to pay interest at a rate not exceeding eight percent per annum on current loans secured in accordance with the provisions of section 16-13-145. County and city boards of education shall have the right to call upon the state superintendent of education for assistance in securing loans at as low interest rate as possible.”

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-823

H. 157—Reps. Edwards, Grouby, Gilmer,
Blake, Wyatt, Dial, Cosby, Cates

AN ACT

To amend Section 31-6-9, Code of Alabama 1975, which section relates to certain educational benefits for wives, widows or dependents of Alabama veterans under Title 31, Chapter 6 of the Code of Alabama 1975, so as to provide that those dependents shall not lose benefits because of an interruption in schooling due to illness.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 31-6-9, Code of Alabama 1975, is hereby amended to read as follows:

“§31-6-9.

“The benefits under this chapter shall be in addition to any other state or federal benefits to which the wife or children of a disabled veteran or a member of the armed forces who is listed as missing in action or as a prisoner of war or the widow and children of a deceased veteran are entitled. It is further provided that any wife, widow, or dependent of a veteran who receives benefits under this chapter, and whose benefit period is interrupted due to accident, injury or illness, shall have the benefit time period which is lost due to such accident, illness or injury restored to him or her.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-824

H. 387—Reps. Payne, Ward, Laird,
Stewart, Penry, McMillan,
Zoghby, Trammell, Moore,
Bedsole, Smith (J), Gilmer, Smith
(M), Seibels, Lewis, Hall, Harvey,
Cooley, Owens, Whatley,
Cheatwood, Rains

AN ACT

To prohibit hazing of any student of any school, college, university, or other educational institution in this state; to define the term hazing, to set criminal penalties for violating this act, and to deny state funding in certain instances.

Be It Enacted by the Legislature of Alabama:

Section 1. No person shall engage in what is commonly known and recognized as hazing, or encourage, aid, or assist any other person thus offending.

Section 2. “Hazing” is defined as follows:

(A) Any willful action taken or situation created, whether on or off any school, college, university, or other educational premises, which recklessly or intentionally endangers the mental or physical health of any student, or

(B) Any willful act on or off any school, college, university, or other educational premises by any person alone or acting with others in striking, beating, bruising, or maiming; or seriously offering, threat-

ening, or attempting to strike, beat, bruise, or maim, or to do or seriously offer, threaten, or attempt to do physical violence to any student of any such educational institution or any assault upon any such students made for the purpose of committing any of the acts, or producing any of the results to such student as defined in this section.

(C) The term "hazing" as defined in this section does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization. The term "hazing" does not include corporal punishment administered by officials or employees of public schools when in accordance with policies adopted by local boards of education.

Section 3. No person shall knowingly permit, encourage; aid, or assist any person in committing the offense of hazing, or willfully acquiesce in the commission of such offense, or fail to report promptly his knowledge or any reasonable information within his knowledge of the presence and practice of hazing in this state to the chief executive officer of the appropriate school, college, university, or other educational institution in this state. Any act of omission or commission shall be deemed "hazing" under the provisions of this section.

Section 4. Any person who shall commit the offense of hazing shall be guilty of a Class C misdemeanor as defined by Title 13A, Code of Alabama 1975.

Section 5. Any person who participates in the hazing of another, or any organization associated with a school, college, university, or other educational institution in this state which knowingly permits hazing to be conducted by its members or by others subject to its direction or control, shall forfeit any entitlement to public funds, scholarships, or awards which are enjoyed by him or by it and shall be deprived of any sanction or approval granted by the school, college, university, or other educational institution.

Section 6. Nothing in this act shall be construed as in any manner affecting or repealing any law of this state respecting homicide, or murder, manslaughter, assault with intent to murder, or aggravated assault.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect any part which remains.

Section 8. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. This act shall become effective immediately upon its

passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-825

H. 427—Rep. Willis

AN ACT

To limit the liability of landowners toward persons who may be upon those lands that the owners have made available for non-commercial outdoor recreational purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Declaration of purpose. It is hereby declared that there is a need for outdoor recreational areas in this state which are open for public use and enjoyment; that the use and maintenance of these areas will provide beauty and openness for the benefit of the public and also assist in preserving the health, safety, and welfare of the population; that it is in the public interest to encourage owners of land to make such areas available to the public for non-commercial recreational purposes by limiting such owners' liability towards persons entering thereon for such purposes; that such limitation on liability would encourage owners of land to allow non-commercial public recreational use of land which would not otherwise be open to the public, thereby reducing state expenditures needed to provide such areas.

Section 2. Definitions. Unless the context thereof clearly indicates to the contrary, as used in this Act the following terms shall have the following meanings:

(a) "Owner"—Any public or private organization of any character, including a partnership, corporation, association, any individual, or any federal, State or local political subdivision or any agency of any of the foregoing having a legal right of possession of outdoor recreational land. For the purpose of this Act, an employee or agent of the owner, but not an independent contractor while conducting activities upon the outdoor recreational land, is deemed to be an owner.

(b) "Outdoor recreational land"—Land and water, as well as buildings, structures, machinery and other such appurtenances used for or susceptible of recreational use.

(c) "Recreational use" or "Recreational purpose"—Participation

in or viewing of activities including, but not limited to, hunting, fishing, water sports, aerial sports, hiking, camping, picnicking, winter sports, animal or vehicular riding, or visiting, viewing or enjoying historical, archeological, scenic or scientific sites, and any related activity.

(d) “Person”—Any individual, regardless of age, maturity, or experience.

(e) “Commercial recreational use”—Any use of land for the purpose of receiving consideration for opening such land to recreational use where such use or activity is profit-motivated. Consideration does not include any benefits provided by law in accordance with this Act, any other state or federal law, or in the form of good will for permitting recreational use as stated in this Act; nor does consideration include a charge by the landowner for maintenance fees where the primary use of the land is for other than public recreational purposes.

Section 3. Inspection and warning not required. Except as specifically recognized by or provided in this Act, an owner of outdoor recreational land who permits non-commercial public recreational use of such land owes no duty of care to inspect or keep such land safe for entry or use by any person for any recreational purpose, or to give warning of a dangerous condition, use, structure, or activity on such land to persons entering for such purposes.

Section 4. Limitations on legal liability of owner. Except as expressly provided in this Act, as owner of outdoor recreational land who either invites or permits non-commercial public recreational use of such land does not by invitation or permission thereby:

(a) Extend any assurance that the outdoor recreational land is safe for any purpose;

(b) Assume responsibility for or incur legal liability for any injury to the person or property owned or controlled by a person as a result of the entry on or use of such land by such person for any recreational purpose; or

(c) Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed.

Section 5. Exception.

(a) Nothing in this Act limits in any way legal liability which otherwise might exist when such owner has actual knowledge:

(1) That the outdoor recreational land is being used for non-commercial recreational purposes;

(2) That a condition, use, structure, or activity exists which

involves an unreasonable risk of death or serious bodily harm;

(3) That the condition, use, structure, or activity is not apparent to the person or persons using the outdoor recreational land; and

(4) That having this knowledge, the owner chooses not to guard or warn, in disregard of the possible consequences.

(b) The test set forth in subsection (a) of this section shall exclude constructive knowledge by the owner as a basis of liability and does not create a duty to inspect the outdoor recreational land.

(c) Nothing in this Act shall be construed to create or expand any duty or ground of liability or cause of action for injury to persons on property.

Section 6. Duty of care by persons using outdoor recreational land. Nothing in this Act shall be construed to relieve any person using outdoor recreational land open for non-commercial public recreational use from any obligation which such person may have in the absence of this Act to exercise care in the use of such land and in the activities thereon, or from legal consequences of failure to employ such care.

Section 7. Lands not covered by Act. The liability limitation provisions of this Act shall not apply in any cause of action arising from acts or omissions occurring on or connected with land upon which any commercial recreational enterprise is conducted.

Section 8. Governmental immunity unaffected. Nothing in this Act shall be so construed as to alter or repeal any immunity from law suit presently conferred by law upon the State or political subdivision thereof, or any agency or instrumentality thereof.

Section 9. Owner must establish public use.

(a) The liability limitation protection of this Act may be asserted only by an owner who can reasonably establish that the outdoor recreational land was open for non-commercial use to the general public at the time of the injury to a person using such land for any public recreational purpose. Any owner may create a rebuttable presumption of having opened land for non-commercial public recreational use by:

(1) Posting signs around the boundaries and at the entrances(s) of such land; or

(2) Publishing a notice in a newspaper of general circulation in the locality in which the outdoor recreational land is situated, and describing such land; or

(3) Recording a notice in the public records of any county in which any part of the outdoor recreational land is situated, and de-

scribing such land; or

(4) Any act similar to subparagraphs (1), (2), or (3), which is designed to put the public on notice that such outdoor recreational land is open to non-commercial public recreational use.

(b) The assertion of any of the provisions of the Act by an owner shall not be construed to be (1) expressed or implied dedication; (2) granting of an easement; or (3) granting of an irrevocable license, to any person or the public to use such outdoor recreational land.

(c) Any person who enters non-commercial outdoor recreational land for any recreational purpose either with or without an invitation or permission from the owner, and either with or without knowledge that the land is held open for non-commercial public recreational use is subject to the provisions of this Act.

(d) The availability of outdoor recreational land for non-commercial public use may be conditioned upon reasonable restrictions on the time, place and manner of public use as the owner shall establish.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws in conflict with this Act are hereby expressly repealed.

Section 12. This Act shall become effective on January 1, 1982, after its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-826

H. 640—Rep. Sasser

AN ACT

To amend Section 16-13-71 of the CODE OF ALABAMA 1975 so as to provide that (a) warrants issued pursuant to Article 4 of Chapter 13 of Title 16 may bear rate or rates of interest not exceeding twelve percent per annum, (b) no warrants may be sold pursuant to such Article at a price which would yield more than twelve percent, and (c) warrants payable out of the proceeds of any privilege, license or excise tax or taxes may have a maturity or maturities not exceeding 40 years from their date.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 16-13-71 of the CODE OF ALABAMA

1975 shall be and is hereby amended to read as follows:

“Section 16-13-71. Terms and conditions; sale; use of proceeds.

(a) Warrants issued pursuant to the provisions of this article may bear such rate or rates of interest, not exceeding twelve percent per annum, payable semi-annually (provided that the first interest payment date may be at any time not later than nine months after the date of such warrants), may be in such denomination or denominations, may have such maturity or maturities not exceeding 30 years from their date (provided that warrants payable, as to both principal and interest, out of the proceeds of any privilege, license or excise tax or taxes, may have a maturity or maturities not exceeding 40 years from their date), may be made redeemable prior to maturity at the option of the issuing board of education at such redemption price or prices and on such terms and conditions, may be payable at such place or places within or without this state, may be executed in such manner and may contain such terms and details not in conflict with the provisions of this article, all as the board of education issuing such warrants may provide in the proceedings wherein such warrants are authorized to be issued.

(b) All warrants issued pursuant to the provisions of this article shall be sold in the manner required by the provisions of section 16-13-96, for the sale of capital outlay warrants; provided, that the notice of public sale with respect to the sale of warrants issued hereunder that are not payable out of the proceeds of a county or district ad valorem tax shall, in lieu of stating whether a county or district tax is to be pledged therefor, briefly describe the tax to be pledged for payment of such warrants. No warrants issued pursuant to the provisions of this article may be sold for less than 95 percent of their face value plus accrued interest on such warrants from their date to the date of their delivery, nor shall any warrants issued pursuant to the provisions of this article be sold at a price which would yield more than twelve percent according to standard bond tables taking into account any premium or discount reflected in the sale price.

(c) The principal proceeds derived from the sale of any such warrants shall be used solely for the purpose for which they were authorized to be issued, including the payment of any expenses incurred in connection with the issuance thereof.”

Section 2. Article 4 of Chapter 13 of Title 16, as herein amended, is hereby adopted, approved, ratified and confirmed in all respects.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-827

H. 781—Rep. Cates

AN ACT

To amend Sections 3 and 4 of Act No. 138, 1978 Second Extraordinary Session (Acts of 1978, p. 1875), so as to allow either fixed or variable interest rates to be borne by the Bonds authorized in said Act, to fix a maximum interest rate of 12% per annum on such Bonds and otherwise to exempt such Bonds from State usury laws, including, without limitation, Title 8, Chapter 8, Code of Alabama 1975, or any subsequent statute of similar import, and to provide that in the case of Bonds bearing floating or variable interest rates (a) the Board of Directors of the Authority (i) shall fix the method by which the interest rates on the Bonds shall be determined, (ii) shall specify the maximum rate of interest that may be borne thereby (not exceeding 12% per annum), and (iii) may specify a minimum rate of interest that may be borne by the Bonds, and (b) the Bonds shall be sold to the bidder offering to pay the highest price to the Authority for the series of Bonds being sold, and to provide for five days notice in the event of certain reofferings of the Bonds.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 138, 1978 Second Extraordinary Session (Acts of 1978, p. 1875), is hereby amended to read as follows:

“Section 3. Execution and Other Details of the Bonds. The Bonds shall be executed, sealed and attested, shall with the interest thereon be exempt from all taxation in the State, may be used as security for deposits, shall be construed to be negotiable instruments, and shall be eligible for investments of fiduciary funds, all as provided in the 1965 Act. All Bonds bearing signatures or facsimiles of the signatures of officers of the Authority in office on the date of signing thereof shall be valid and binding notwithstanding that before the delivery thereof and payment therefor, any officer whose signature appears thereon shall have ceased to be an officer of the Authority. The Bonds shall be in such form or forms and denomination or denominations and of such tenor and maturities, shall bear such rate or rates of interest, not exceeding 12 percent per annum, either fixed, floating or variable throughout the term of such bonds, payable and evidenced in such manner, may be made subject to redemption prior to their maturities, and may contain provisions not inconsistent with this Act, all as may be provided by the resolution of the Board of Directors under which the Bonds may be issued; provided, that no Bonds shall have a specified maturity date later than twenty years after their date; and provided further, that those Bonds having maturities more than ten years after their date shall be subject to re-

demption at the option of the Authority on any interest payment date on and after the tenth anniversary after their date at such redemption price and under such conditions as may be prescribed in the proceedings of the Authority under which they are issued. The Bonds shall be exempt from all laws of the State governing usury including, without limitation, the provisions of Title 8, Chapter 8, Code of Alabama 1975, or any subsequent statute of similar import."

Section 2. Section 4 of Act No. 138, 1978 Second Extraordinary Session (Acts of 1978, p. 1875), is hereby amended to read as follows:

"Section 4. Sale of the Bonds. The Bonds may be sold by the Authority from time to time in series, and if sold in more than one series, may all be authorized in one initial resolution of the Board of Directors with the pledges therefor made by the Authority in such initial resolution although some of the details applicable to each series may be specified in the respective resolutions under which the different series are issued. Each series of the Bonds shall be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest total net interest cost to the Authority for the series of the Bonds being sold, computed from the date of those at the time being sold to their respective maturities and taking into account any premium named in the bid therefor; provided, however, that if such Bonds are to bear interest at floating or variable rates, (a) the Board of Directors, prior to the offering thereof for sale, (i) shall fix the method by which such rates of interest shall be determined, (ii) shall specify the maximum rate of interest that may be borne thereby (which may not exceed 12 percent per annum), and (iii) may specify a minimum rate of interest that may be borne thereby, and (b) the Bonds shall be sold to the bidder offering to pay the highest price to the Authority for the series of Bonds being sold; and provided further, that if no bid acceptable to the Authority is received it may reject all bids. Before any series of the Bonds shall be offered for sale by the Authority, the Governor of Alabama shall first determine that the issuance of that series of Bonds and the application of the taxes pledged to the payment of the principal of the Bonds as they mature and interest thereon as it comes due will not impair the adequacy of the Alabama Special Educational Trust Fund to pay appropriations therefrom and to support the public schools and institutions of higher learning during the period over which the Bonds will mature. The Governor's determination shall be in writing signed by the Governor and that determination shall be final and conclusive. Notice of each sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the State which is customarily published not less often than five days during each calendar week, each of which notices must

be published at least one time not less than ten days, or, in the event no bid acceptable to the Authority is received at any such sale and the Bonds so offered are thereafter reoffered on the same terms and conditions, not less than five days, prior to the date fixed for the sale. The Board of Directors may fix the terms and conditions under which each sale may be held; provided, that none of the Bonds may be sold for a price less than the face value thereof; and provided further, that the terms and conditions shall not conflict with any of the requirements of this Act. Approval by the Governor of Alabama of the terms and conditions under which any Bonds may be issued shall be requisite to their validity. Neither a public hearing nor consent of the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of any of the Bonds."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-828

H.J.R. 400— Reps. Dial, Naramore, Bowling, Brakefield, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray,

Reed, Riddick, Roberts, Sandusky,
 Sasser, Seibels, Shavers,
 Shoemaker, Smith (C), Smith (J),
 Smith (M), Starkey, Stewart,
 Stout, Trammell, Tucker,
 Turnham, Venable, Waggoner,
 Ward, Warren, Whatley,
 Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

PROVIDING FOR THE PLACEMENT OF A COMMEMORATIVE PLAQUE HONORING JAMES R. RAIFORD, STATE BUDGET OFFICER, 1976-1981.

WHEREAS, James R. Raiford, a native of Clay County, Alabama, distinguished himself in service to the State of Alabama from 1960 until the time of his death on April 29, 1981; and

WHEREAS, in 1971, Mr. Raiford joined the Budget Division of the State Finance Department, to be appointed Acting Budget Officer in October 1971, and to assume permanent office in January 1976; and

WHEREAS, it is deemed appropriate by the members of this body that Jimmy Raiford's extraordinary public service be publicly and permanently recognized through placement of a commemorative plaque in the Capitol of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislative Reference Service is hereby directed to provide for the permanent placement of, in the Capitol of the State of Alabama, a commemorative plaque with the appropriate inscription:

"In Memory of

James R. Raiford

a native of Clay County, Alabama

State Budget Officer

1976 - 1981"

BE IT FURTHER RESOLVED, That all expenses incurred for purchase and placement of said plaque be paid out of funds appropriated for the use of the Legislature.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-829

H.J.R. 402—Reps. Penry, McMillan

HOUSE JOINT RESOLUTION

HONORING MRS. DELPHIA SMITH TROTT OF BALDWIN COUNTY, ALABAMA.

WHEREAS, though a native of Maplesville in Chilton County, Alabama, Mrs. Delphia Smith Trott has been a resident of Baldwin County for some forty years and of Rosemont Nursing Home for the past six years; and

WHEREAS, Mrs. Trott, who celebrated her 101st birthday on January 10, 1981, is a delightful lady and remarkably active, living each day to its fullest; and

WHEREAS, at the age of eleven, following her mother's death, Mrs. Trott assumed the responsibility of raising her three brothers and a sister; in 1899, she was married to Benjamin Franklin Trott and they were the parents of nine children, four of whom are living; and

WHEREAS, widowed in 1941, Mrs. Trott then moved to Daphne, Alabama, to live with her son and daughter-in-law, Sam and Bertie Mae Trott, who themselves have celebrated their Golden Wedding Anniversary with Mrs. Trott in attendance to enjoy the festivities; and

WHEREAS, it is to be noted that among many milestones in her life, Mrs. Trott was the first woman ever registered to vote in Randolph, Bibb County, Alabama; and

WHEREAS, in addition to devoted children, Mrs. Trott has 39 grandchildren, 88 great grandchildren and 23 great, great grandchildren, many of whom were on hand for her 100th birthday celebration, and for her recent 101st birthday as well; and

WHEREAS, Mrs. Trott is indeed a warm wonderful and gracious Christian whom we greatly admire and whom we also sincerely wish many more years of health and happiness; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Mrs. Delphia Smith Trott of Baldwin County, Alabama, now 101 years young, and direct that she receive a copy of this resolution in token of our admiration, sincere warm praise and high regard.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-830

H.J.R. 403—Reps. Penry, McMillan

HOUSE JOINT RESOLUTION

NAMING THE BRIDGE IN BALDWIN COUNTY OVER FISH RIVER ON ALABAMA HIGHWAY 98 THE L. W. "LOUIE" BRANNAN BRIDGE.

WHEREAS, L. W. Brannan has a long record of public service to Baldwin County and the State of Alabama, and L. W. Brannan served the City of Foley, Alabama as mayor; and

WHEREAS, L. W. Brannan served with distinction in the Alabama House of Representatives from 1947-1962, and 1967-1970, and in the Alabama State Senate, 1963-1966; and

WHEREAS, L. W. Brannan has dedicated a great portion of his life to his hometown, his county and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the bridge in Baldwin County over Fish River on Alabama Highway 98 be herewith given the name of the L. W. "Louie" Brannan Bridge.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mrs. L. W. "Louie" Brannan.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-831

H.J.R. 404—Reps. Penry, McMillan

HOUSE JOINT RESOLUTION

COMMENDING MR. RALPH PRICE, JR., ON HIS RECENT SELECTION AS FIRE FIGHTER OF THE YEAR FOR BALDWIN COUNTY, ALABAMA.

WHEREAS, on April 30, 1981, Mr. Ralph Price, Jr., a longtime employee with the Alabama Forestry Commission, was named Fire Fighter of the Year for Baldwin County, Alabama; and

WHEREAS, this prestigious designation of the Baldwin County Fire Chiefs Association was in acknowledgement of Mr. Price's true professionalism as a fire fighter and of his dedicated service with the

Alabama Forestry Commission; and

WHEREAS, a native of Baldwin County, Mr. Price was educated in the Elberta Public Schools and is a graduate of the Southwest Alabama Police Academy; he also completed Ranger Training with the Alabama Forestry Commission; and

WHEREAS, Ralph "Bud" Price first served with the Commission as a Ranger's helper and, following his father's retirement, took his place as Patrolman I, to be promoted through the ranks to his present position as Assistant County Supervisor of the Baldwin County personnel; and

WHEREAS, throughout his career, Bud Price has demonstrated his loyalty, dedication and courageous determination on numerous occasions; he has worked long and arduous hours as a fire fighter and always without thought of danger or for his own personal safety; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Ralph Price, Jr., of Loxley, Alabama; we heartily congratulate Mr. Price as Fire Fighter of the Year for Baldwin County and direct that he receive a copy of this resolution in token of our admiration and esteem.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-832

H.J.R. 405—Rep. Cosby

HOUSE JOINT RESOLUTION

WHEREAS, there is a great need to study the Cahaba River and the Old Cahaba State Capitol Site for preservation and tourism, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there should be an interim committee to study the Cahaba River and the Old Cahaba State Capitol Site for the purpose of investigating the potential for their use as a recreational, educational and tourist attraction. The committee shall be composed of fourteen persons, seven members appointed by the President of the Senate and seven members appointed by the Speaker of the House of Representatives. The legislative members of the committee shall receive their regular legislative

compensation to be paid from funds appropriated to the legislature. The total compensation paid to the members of this committee shall not exceed \$1,000. The final report of the committee, along with findings and recommendations shall be submitted to the legislature no later than the fifth legislative day of the 1982 Regular Session. Upon the submission of the final report, the committee shall stand dissolved.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-833

H. 965—Rep. Zoghby

AN ACT

Relating to any Class 2 municipality in the State of Alabama; providing that a public referendum shall be held to determine whether such municipality shall retain its present form of government, to provide that if a majority of votes cast on that proposition are opposed to retaining its present form of government, then to provide for a charter commission consisting of ten members to be named by the members of the county legislative delegation, representing the Class 2 municipality, to provide for the power, authority, and procedures of said charter commission, to require the charter commission to recommend to the members of the county legislature delegation two alternative forms of government in the form of draft legislation, to require any Class 2 municipality to provide funds for consultants, attorneys, travel, clerical and technical assistance, and to prohibit subsequent referendums for a period of time.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to any Class 2 municipality in the State of Alabama.

Section 2. Within ten days after the effective date of this act, the mayor or chief executive officer of any city to which this act applies shall call a special election to be held on July 14, 1981, for the purpose of determining whether or not such city shall retain its present form of government, and shall give notice of the time and purpose of such election by publication once a week for four consecutive weeks in the newspaper published in said city. All qualified electors of such city may participate in said election, and the questions submitted shall be whether or not such city shall retain its present form of government, and such question shall be plainly printed upon the ballot that is provided in Section 3. The voter must mark his or her ballot with a cross mark before or after the word which expresses his or her choice. The election shall be conducted, the expenses paid, the votes canvassed and the results declared in the same manner as is or may be provided by law in other city elections. If the majority of votes cast on the question of retaining or abandoning the present form of government shall be "yes", that is, in favor of retaining the

present form of government, the provisions of this act shall not thereafter be applicable to such city; but if the majority of the votes cast on the question of retaining or abandoning the present form of government shall be "no", that is, in favor of abandoning the present form of government, provisions of this act shall thereby be adopted by such city, the charter commission shall meet and make recommendations as provided in Section 6 of this act.

Section 3. At such election, the proposition to be submitted shall be printed in plain prominent type on a ballot separate and distinct from ballots used from any other office or question and shall read as follows:

"Shall the present form of government be retained?

"Yes_____.

"No_____."

The voter shall mark his ballot with a cross mark before or after the word which expresses his choice.

If voting machines are used in any voting place in such election, the above proposition may, at the discretion of the election commission or other body or official having charge of the conduct in municipal elections of said city, be submitted on voting machines so used.

Section 4. The election shall be held and conducted in accordance with the provisions of article 3, chapter 46, title 11, Code of Alabama 1975, as amended, except as here and otherwise specifically provided.

Section 5. If the majority of votes cast on the question of retaining or abandoning the present form of government shall be "Yes", that is, in favor of retaining the present form of government, then the question of adopting any other form of municipal government shall not be resubmitted to the voters of such city for adoption within four (4) years thereafter, and then the question of adopting any other form of municipal government may be resubmitted as provided for, heretofore or hereafter by law.

Section 6. If the majority of votes cast on the question of retaining or abandoning the present form of government shall be "No", that is, in favor of abandoning the present form of government, those members of the senate and house whose legislative district in whole or in part fall within the boundaries of the Class 2 municipality shall meet no later than thirty (30) days after the election and each member shall appoint one person to a charter commission of ten members, of these ten members of the charter commission not less than four members shall be members of the Principal Minority Race found

within the Class 2 municipality, whose charge shall be to frame in the form of draft legislation two alternate forms of government, which shall be submitted to the county legislative delegation not later than December 15, 1981. The county legislative delegation shall see that legislation is introduced and passed in the next regular session of the legislature which provides for a referendum on the two forms of government recommended by the charter commission.

Said legislation which will provide for a referendum shall include a provision that the referendum shall be held not less than fifty days nor more than sixty days following the passage of the legislation. Elections under whichever form of government selected shall be held not less than fifty days nor more than sixty days following the referendum, and the officials elected at such election shall take office and the form of government selected at the referendum shall take effect on October 1, 1982.

Section 7. The Class 2 municipality shall provide funds to the charter commission for consultants, attorneys, travel, clerical and technical assistance. Upon its report to the county legislative delegation, the charter commission shall cease to exist.

Section 8. Any candidate for office or office holder under the existing form of government existing in a Class 2 municipality to which this act applies should note that their term of office could be reduced in length by the provisions of this act.

Section 9. This act is null and void if the municipal elections currently scheduled for the Class 2 municipality on July 14, 1981, are stayed, postponed or delayed in any way whatsoever.

Section 10. The provisions of this act are severable. If any part of this act is declared to be invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

HOUSE JOINT RESOLUTION

CREATING THE LEGISLATIVE JOINT INTERIM ALABAMA MARITIME RESOURCES LAW COMMITTEE.

WHEREAS, the Seafood industry being an integral part of the Alabama economy, and its health and growth effect all Alabamians; and

WHEREAS, the Seafood industry is under unusual stress from Foreign Competition and the high cost of energy; and

WHEREAS, all Alabamians enjoy the bounty brought from our waters by the Seafood industry; and

WHEREAS, some of the present Code is obsolete and is a handicap to the Alabama seafood industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Legislative Joint Interim Committee to study, review and examine the laws that effect the seafood industry that are contained within the Code of Alabama. Said Committee shall be composed of 4 members from both the House and the Senate. The Chairman and Vice-Chairman of the Committee shall be elected at the first meeting by the members of the Committee and shall adopt all necessary rules of procedure.

Said Committee shall:

1. Evaluate the present Code and prepare an updated modernized section for the Code.
2. Evaluate the ability of the Alabama Seafood industry to compete with both domestic and foreign competitors.
3. Study the economic strength and weaknesses of this most important part of the Alabama economy.
4. Shall study ways that the Seafood industry can grow and expand.
5. Study the problems of those involved within the Seafood industry.
6. Study and make recommendations for revisions in the statutes of the State based upon its findings.

Upon the request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the Committee's work. Additional assistance shall be provided by the Legislative Reference Service, or any public board,

commission, committee or agency.

Said Committee shall report its findings, conclusions and recommendations to the Legislature not later than the 10th Legislative day of the next regular session, at which time the Committee shall be abolished.

Each member of the Committee shall be entitled to his regular Legislative compensation, his per diem, mileage and travel expenses for each Committee meeting attended. Said money shall be paid out of any fund appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the Committee Chairman. Provided, however, that members shall not receive additional Legislative compensation or per diem when the Legislature is in session, but they shall receive their travel expenses for all meetings attended and for any travel upon the business of the Committee.

The total expenses of the Committee shall not exceed \$7,500.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-835

H. 878—Reps. Wyatt, Langford

AN ACT

To amend Section 3.02, 3.05, 3.12, 3.15 and 4.04 of Act 618, H. 796, 1973 Regular Session of the Legislature (Acts 1973, p. 879), relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to further provide for the Council of such cities to set per diem allowances, salaries, or expense allowances (with certain limitations); to require persons seeking council seats to pay a certain qualifying fee or submit a petition containing a minimum number of signatures of registered voters; to allow the Council to set its meeting days; and to further provide for the salary of the Mayor (with certain limitations).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3.02 of Act No. 618, H. 796, 1973 Regular Session of the Legislature (Acts 1973, p. 879), is hereby amended to read as follows:

“Section 3.02. Statement of candidacy. — Any person desiring to become a candidate in any election for the office of councilman may become such candidate by filing in the office of the judge of probate of the county in which such city is situated, a statement in writing of such candidacy and an affidavit taken and certified by such judge of probate or by a notary public that such person is duly qualified to hold the office for which he desires to be a candidate. Such

statement shall be filed at least 21 days before the day set for such election and shall be in substantially the following form: 'State of Alabama, _____ County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the City of _____, in said State and County and reside at _____ in said City of _____, that I desire to become a candidate for the office of district councilman for the _____ district, in said city at the election for said office to be held on the _____ day of October next and that I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election. Signed _____; Subscribed and sworn to before me by said _____ on this _____ day of _____, 19____, and filed in this office for record on said day. _____ Judge of Probate.' Said statement shall be accompanied by a qualifying fee in the amount of \$100.00, (which fee shall be paid over by the judge of probate to the general fund of the city), or a petition of at least 200 signatures of registered voters in said council district. At every such election all ballots to be used by voters shall be printed and prepared by the election commission or other body or official charged by law with the duty of conducting elections and at the expense of said city, and shall contain the names of all candidates directly underneath the words 'For members of the council.' No name shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to provisions as above set forth. No ballot shall be used at any such election except the official ballot prepared by the election commission or other body or official charged by law with the duty of conducting elections, except that the names of candidates may be suitable placed on voting machines if such machines are used to conduct such election. No primary election shall be held for the nomination of candidates for the office of councilman and candidates shall be nominated only as hereinabove provided."

Section 2. Section 3.05 of Act No. 618, H. 796, 1973 Regular Session of the Legislature (Acts 1973, p. 879), is hereby amended to read as follows:

"Section 3.05. Compensation—Commencing with the 1983 term, the council shall receive such salary as the council may, by resolution or by ordinance, prescribe; provided, however, that the total salary paid to each councilman shall not exceed eight thousand six hundred dollars (\$8,600.00) annually. Such salary and the manner in which it is to be paid shall be established by the council subject to the above limitations."

Section 3. Section 3.12 of Act No. 618, H. 796, 1973 Regular Session of the Legislature (Acts 1973, p. 879), is hereby amended to read as follows:

"Section 3.12. Induction of council into office; meetings of council.—The first meeting of each newly elected council for induction into office, shall be held at ten o'clock in the morning on the second Tuesday in November next following its election, after which the council shall meet regularly at such times as may be prescribed by its rules. All meetings of the council shall be open to the public."

Section 4. Section 3.15 of Act No. 618, H. 796, 1973 Regular Session of the Legislature (Acts 1973, p. 879), is hereby amended to read as follows:

"Section 3.15. Meetings, passage of ordinances, etc.—The council shall hold regular public meetings at least twice per month, one meeting to be held between the first and fifteenth day of the month and one meeting to be held between the sixteenth and the last day of the month, at a regular hour to be fixed by the order of said council, from time to time, and publicly announced; it may hold such adjourned, called, special or other meetings as the business of the city may require. The president of the council, when present, shall preside at all meetings of said council. A majority of the council members elected shall constitute a quorum for the transaction of any and every power conferred upon said council, and the affirmative vote of a majority of those members present, shall be sufficient for the passage of any resolution, by-law or ordinance, or the transaction of any business of any sort by the said council or the exercise of any of the powers conferred upon it by the terms of this act or by law, or which may hereafter be conferred upon it. No resolution, by-law or ordinance granting any franchise, appropriating any money for any purpose, providing for any public improvements, any regulation concerning the public health, or of any other general or permanent nature, except the proclamation of quarantine, shall be enacted except at a regular public meeting of said council or any adjournment thereof. Every ordinance introduced at any and every such meeting shall be in writing and read before any vote thereon shall be taken, and the yeas and nays thereon shall be recorded; provided that if the vote of all councilmen present be unanimous, it may be so stated in the journal without recording the yeas and nays. A record of the proceedings of every meeting of the council shall be kept, and every resolution or ordinance passed by the council must be recorded and the record of the proceedings of the meeting shall, when approved by the council be signed by the president of the council and the city clerk. Such record shall be kept available for inspection by all citizens of such city at all reasonable times. No ordinance of permanent operation shall be passed at the meeting at which it was introduced except by unanimous consent of all members of the council present, and such unanimous consent shall be shown by the yea and nay votes entered upon the minutes of said meeting; provided, however, that if all

members of the council present vote for the passage of the ordinance and their names are so entered of record as voting in favor thereof, it shall be construed as giving unanimous consent to the action upon such ordinance at the meeting at which it is introduced. Publication of ordinances shall be governed by Section 11-45-8 of the Code of Alabama 1975. Provided, all ordinances or resolutions, after having been passed by the council, shall, by the clerk, be transmitted within forty-eight (48) hours after their passage to the mayor for his consideration, who, if he shall approve thereof, shall sign and return the same to the clerk, who shall publish them, if publication thereof is required, and such ordinances and resolutions shall thereupon become effective and have the force of law. Delivery to the office of the mayor shall constitute delivery to the mayor. An ordinance or resolution may be recalled from the mayor at any time before it has become a law, or has been acted on by him, by a resolution adopted by a majority of the members elected to the council, in regular or special session. If the mayor shall disapprove of any ordinance or resolution transmitted to him as aforesaid, he shall within ten (10) days of the time of its passage by the council, return the same to the clerk with his objections in writing and the clerk shall make report thereof to the next regular meeting of the city council; and if a majority of the council members present shall at said meeting adhere to said ordinance or resolution, notwithstanding said objections, said vote being taken by yeas or nays and spread upon the minutes, then, and not otherwise, said ordinance or resolution shall after publication thereof, if publication is required, have the force of law. If publication of said ordinance or resolution is not required, it shall take effect upon its passage over objections. The failure of the mayor to return to the city clerk an ordinance or resolution with his veto within ten (10) days after its passage by the council shall operate and have the same effect as approval of the same, and the city clerk, if publication is required, shall publish the same as is herein provided for the publication of laws and ordinances of said city. And if no publication is required, the ordinance or resolution shall become effective upon the expiration of said ten (10) days. Anything in this section to the contrary notwithstanding, the mayor shall not have the power of veto over appointments of the council, or over any action of the council relating to an investigation as provided for in section 9.03 of Article IX."

Section 5. Section 4.04 of Act No. 618, H. 796, 1973 Regular Session of the Legislature (Acts 1973, p. 879) is hereby amended to read as follows:

"Section 4.04. Compensation—Commencing with the 1983 term, the mayor shall receive an annual salary of not less than twenty five thousand dollars (\$25,000.00) and not more than fifty thousand dollars (\$50,000.00); provided, however, that any increase in the

mayor's salary above twenty five thousand dollars (\$25,000.00) by the city council shall be paid to the mayor only at the mayor's option. The mayor's salary shall be payable in monthly installments at the end of each month, said installments to be paid at the same rate for any portion of the month during which the mayor shall hold office at the rate thus provided."

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-836

H. 940—Rep. Naramore

AN ACT

To levy a finance charge or tax of ten cents per acre to be assessed against lands located in Walker County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Walker County; to provide for a referendum on the question; and prescribing the procedure for the collection of such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) There is hereby levied and assessed a finance charge or tax of ten cents per acre to be paid by the owners of forest lands located in Walker County, Alabama, for the use of land for timber growing purposes.

(b) "Forest lands" as used in this Act, shall mean any land which supports a forest growth, or which under prevailing natural and economic conditions may be expected to support a growth in the future, or which is being used or reserved for any forest purpose. "Forest lands" as used in this Act, shall not include any lands primarily used for residential purposes nor shall it include any publicly owned lands.

Section 2. The finance charge or tax fixed as provided in the above section shall be payable at the same time and in the same manner as County taxes, and the owners of the "Forest lands", as herein defined, shall make report of the same to the Tax Assessor of Walker County, Alabama, at the time fixed by law for making return

of the property of such property owner. Financial charges or taxes levied shall constitute a lien on the property against which they are charged or taxed in case of default in the payment of such financial charge or tax, the land may be sold in the same manner and under the same conditions that lands are sold for the satisfaction of liens for County ad valorem taxes, and redemption from such sale may be effected in the same manner as is provided by law for redemption where land is sold for non payment of ad valorem taxes.

Section 3. The Tax Assessor of Walker County is authorized after notice by regular mail to owners and hearing before the county governing body, upon request by the owners, to place said financial charge or tax against the said forest lands as determined by the county governing body.

Section 4. The tax herein imposed shall be paid to the county treasurer of Walker County. All monies collected in accordance with this Act shall be spent in participating in the Alabama Forestry Commission's forest fire protection program in Walker County.

Section 5. The county governing body shall call for a referendum on the levy of tax herein provided at the next special or general election in the county. Such referendum election shall be called and held in accordance with the laws governing such elections. If a majority of the qualified electors vote for approval of such tax, it shall be levied and collected as herein provided; if a majority of the qualified electors vote against such proposal then the provisions of this act shall become null and void.

Section 6. Act Number 80-568, 1980 Regular Session, approved the 19 day of May, 1980 (Acts 1980, P 878), is hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-837

H. 1081—Reps. Buskey, Kennedy, Turner,
Clark (W)

AN ACT

Relating to Mobile County; providing for the reapportionment of the board of

school commissioners of Mobile County into five single-member districts from each of which one commissioner shall be elected by the electors of that district; and providing for the election and terms of office of the new commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of school commissioners of Mobile County shall consist of five members, who shall be elected from separate districts by the qualified electors of their respective districts. They shall be persons of good moral character, of good standing in their respective communities, and known for their honesty, business ability, public spirit and interest in the good of public education.

Section 2. One school commissioner shall be elected from each of the following districts:

District No. 1 shall consist of portions of Mobile County located in house districts 95, 96 and 97 as reapportioned according to the 1980 federal decennial census.

District No. 2 shall consist of house districts 100 and 105 as reapportioned according to the 1980 federal decennial census.

District No. 3 shall consist of house districts 98 and 99 as reapportioned according to the 1980 federal decennial census, less wards MW-33-99-2 and MW-33-99-3 but including wards MW-34-102-1 and MW-34-102-5.

District No. 4 shall consist of house districts 102 and 103 as reapportioned according to the 1980 federal decennial census, less wards MW 34-102-1 and MW-34-102-5 but including wards MW-33-99-2 and MW-33-99-3.

District No. 5 shall consist of house districts 101 and 104 as reapportioned according to the 1980 federal decennial census.

Section 3. Each school commissioner shall be a bona fide resident of the district from which he or she is elected and shall have been a bona fide resident of the district for at least one (1) year prior to taking office.

Section 4. The school commissioners for districts 1 through 5 shall be elected as follows:

(a) Commissioners for districts 1, 2, and 5 shall be elected at the general election in 1982, and each six (6) years thereafter for terms of office of six (6) years and shall take office on the annual meeting of the school board held on the third Tuesday in November next following their election.

(b) Commissioners for districts 3 and 4 shall be elected at the general election in 1984, and each six (6) years thereafter for terms

of office of six (6) years and shall take office on the annual meeting of the school board held on the third Tuesday in November next following their election.

(c) From the effective date of this act until the third Tuesday in November 1984, if the board has more than five (5) members, the presiding officer of the board shall vote only to break a tie vote. On and after the third Tuesday in November 1984, the presiding officer shall be a voting member of the board. In the event the board fails to elect a presiding officer for that year, then the chairmanship shall rotate equally among the Commissioners. However, during the period extending from November 1982 to November 1984, a presiding officer shall be ineligible to succeed himself or herself in such capacity.

Section 5. The present school commissioners who were elected in 1978 and 1980 shall continue to serve until the newly elected commissioners take office in November 1984. All other present school commissioners shall continue to serve until the newly elected commissioners for districts 1, 2 and 5 take office in November 1982. Provided, however, that if any commissioner vacates his or her office before the third Tuesday of November 1982, said vacancy shall not be filled unless necessary to increase the size of the board to five (5) members.

Section 6. Within ten days after the effective date of this act, the probate judge of Mobile County shall call a special election to be held at the time of the next statewide election for the purpose of determining whether or not such county shall retain the present form of its Board of School Commissioners, and shall give notice of the time and purpose of such election by publication once a week for four consecutive weeks in a newspaper published in said county. All qualified electors of such county may participate in said election, and the question submitted shall be whether or not the Board of School Commissioners established by this act shall be adopted, and such question shall be plainly printed upon the ballot that is provided in Section 8. The voter must mark his or her ballot with a cross mark before or after the word which expresses his or her choice. The election shall be conducted, the expenses paid, the votes canvassed and the results declared in the same manner as is or may be provided by law in other county-wide elections. If the majority of votes cast on the question of adopting the Board of School Commissioners established by this act shall be "yes", that is, in favor of adopting the Board of School Commissioners established by this act, the provisions of this act shall be applicable to such Board of School Commissioners; but if the majority of the votes cast on the question of adopting the Board of School Commissioners established by this act shall be "no", that is, in favor of retaining the present Board of School Commissioners, the provisions of this act shall be null and void.

Section 7. At such election, the proposition to be submitted shall be printed in plain prominent type on a ballot separate and distinct from ballots used from any other office or question and shall read as follows:

“Shall the Board of School Commissioners established by
Act H. be adopted?”

“Yes_____.

“No_____.”

The voter shall mark his ballot with a cross mark before or after the word which expresses his choice.

If voting machines are used in any voting place in such election, the above proposition may, at the discretion of the election commission or other body or official having charge of the conduct of elections in said county, be submitted on voting machines so used.”

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 10. The provisions of this act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-838

H. 1122—Rep. Ray

AN ACT

Relating to Bullock County; providing for the levying and collecting of special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department ; providing for the distribution and use of the proceeds for the construction, operation and maintenance of a county jail, and five years thereafter a portion of the general fund; providing penalties for the violations of this act; and providing that the terms of this act shall not become effective unless approved by the electors of Bullock County at a referendum election held for such purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words, terms and phrases where used in this act shall have the following respective meanings except where the context clearly indicates a different meaning:

“County” means Bullock County in the State of Alabama.

“Commissioner” means the commissioner of revenue of the state.

“State Department of Revenue” means the department of revenue of the state.

“State” means the State of Alabama.

“State Sales Tax Statutes” means Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, including all other statutes of the state which expressly set forth any exemptions from the computation of the taxes levied in said Division 1 and all other statutes which expressly apply to, or purport to affect, the administration of said Division 1 and the incidence and collection of the taxes imposed therein.

“State Sales Tax” means the tax or taxes imposed by the State Sales Tax Statutes.

“State Use Tax Statutes” means Article 2 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended, including all other statutes of the state which expressly set forth any exemptions from the computation of the tax levied in the said Article 2 and all other statutes of the state which expressly apply to or purport to affect the administration of the said Article 2 and the incidence and collection of taxes imposed therein.

“State Use Tax” means the tax or taxes imposed by the State Use Tax Statutes.

“Registered Seller” means the person registered with the state department of revenue pursuant to the State Use Tax Statutes or licensed under the State Sales Tax Statutes.

“Month” means a calendar month.

“Quarterly Period” means the period of three months ending on the last day of each March, June, September and December.

“Fiscal Year” means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year.

Except where another meaning is clearly indicated by the context, all definitions set forth in the State Sales Tax Statutes and the State Use Tax Statutes shall be effective as definitions of the

words, terms and phrases used in this act. All words, terms and phrases used herein, other than those hereinabove specifically defined, shall have the respective meanings ascribed to them in the State Sales Tax Statutes and the State Use Tax Statutes and shall have the same scope and effect that the same words, terms and phrases have where used in the State Sales Tax Statutes and the State Use Tax Statutes.

Section 2. Levy of Sales Tax. There is hereby levied in Bullock County, in addition to all other taxes of every kind now imposed by law, and to collect as herein provided, a privilege or license tax on account of the business activities and in the amount to be determined by the application of rates against gross sales or gross receipts, as the case may be, as follows:

(a) Upon every person, firm or corporation (including the State of Alabama, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions) engaged or continuing within the county in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stock, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, ships and other watercraft of over 50 tons burden) an amount of one percent of the gross proceeds of sales of the business, except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business; and provided further, that where any used part of an automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part, the tax levied herein shall be paid is the net difference, that is, the price of the new or used part sold less the credit for the used part taken in trade, provided however, that this provision shall not be construed to include tires or batteries;

(b) upon every person, firm or corporation engaged or continuing within the county in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudevilles, amusement parks, athletic con-

tests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within this state, or any athletic association be it denominational, state, county or a municipal institution or association or a state, county or city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged including public bathing places, public dance halls of every kind and description within the county, an amount of one percent of the gross receipts of any such business;

(c) upon every person, firm or corporation engaged or continuing within the county in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount of one-half of one percent of the gross proceeds of the sale of such machines; provided that the term "machine" as herein used shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used;

(d) upon every person, firm or corporation engaged or continuing within the county in the business of selling at retail any automotive vehicle, truck, trailer, semi-trailer or house trailer, an amount of one-half of one percent of the gross proceeds of sale of said automotive vehicle, truck, trailer, semi-trailer or house trailer; provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck, trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of one dollar and twenty-five cents (\$1.25) per year or part thereof during which such automotive vehicle, truck, trailer, semi-trailer or house trailer shall remain the property of such person; provided, that each such year or part thereof shall be deemed to begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck, trailer, semi-trailer or house trailer shall remain the property of such person; and provided further, that where any used automotive vehicle, truck, trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the

credit for the used vehicle taken in trade; and

(e) Upon every person, firm or corporation engaged or continuing within the county in the business of selling at retail any machine, machinery, or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the part of such machines, machinery or equipment, attachments and replacements therefore which are made or manufactured for use on or in the operation of such machine, machinery, or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to one-half of one percent of the gross proceeds of the sales thereof. Provided, however, the one-half percent rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery, or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery, or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery, or equipment sold, less the credit for the used machine, machinery, or equipment taken in trade.

(f) Upon every person, firm or corporation engaged or continuing within the county in the business of selling, through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, an amount of one percent of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection (f) shall be the gross proceeds of sales of such business.

There are exempted, however, from the provisions of this section and from the computation of the amount of the taxes authorized to be imposed in this section, the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the state sales tax statutes from the computation of the amount of the state sales tax.

Section 3. Levy of Use Tax. There is hereby levied and imposed an excise tax on the storage, use or other consumption of property in Bullock County as hereinafter provided in this section:

(a) An excise tax is hereby levied and imposed on the storage, use or other consumption in the county of tangible personal property (not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than 50 tons burden) purchased at retail on or after the effective date of such tax, for the storage, use or other consumption in the county on or after the effective date of such tax, at the rate of one percent of the sale price of such property, except as provided in subsection (b), (c) and (d) of this section;

(b) an excise tax is hereby levied and imposed on the storage, use or other consumption in the county of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property purchased at retail on or after the effective date of such tax for storage, use or other consumption in the county, at the rate of one-half of one percent of the sales price of any such machine; provided, that the term "machine," as used herein shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and are customarily so used;

(c) an excise tax is hereby levied and imposed on the storage, use or other consumption in the county of any automotive vehicle, truck, trailer, semi-trailer or house trailer purchased at retail on or after the effective date of such tax for storage, use or other consumption in the county at the rate of one-half of one percent of the sales price of such automotive vehicle, truck, trailer, semi-trailer or house trailer; provided, that where any used automotive vehicle, truck, trailer, semi-trailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax herein levied shall be paid on the net difference that is the price of the new or used vehicle sold less the credit for the used vehicle taken in trade; and

(d) An excise tax is hereby levied and imposed on the storage, use or other consumption in the county of any machine, machinery, or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, attachments and replacements therefore which are made or manufactured for use on or in the operation of such machine, machinery, or equipment, and which are necessary to and customarily used in the operation of such machine, machinery, or equipment, which is purchased at retail after the effective date of this ordinance, for the storage, use or other consumption

in the county at the rate of one-half on one percent of the sales price of such property. Provided, however, the one-half of one percent rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities. Where any used machine, machinery, or equipment which is used in planting, cultivating, and harvesting farm products or used in connection with the production of agricultural produce or products, livestock, and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery, or equipment, the tax levied herein shall be paid of the net difference, that is, the price of the new or used machine, machinery, or equipment sold, less the credit for the used machine, machinery, or equipment taken in trade.

(e) an excise tax is hereby levied and imposed on the classes of tangible personal property, and at the rate authorized to be imposed on such classes, specified in subsections (a), (b) or (c) of this section, on the storage, use or other consumption in the performance of a contract in the county of any such tangible personal property, new or used, the tax to be measured by the sales price or the fair and reasonable market value of such tangible personal property when put into use in the county, whichever is less; provided, however, the tax imposed by this subsection shall not apply where the taxes imposed by subsections (a), (b) and (c) of this section apply.

There are exempted from the provisions of this section, and from the taxes imposed by this section, the storage, use or other consumption of property the storage, use or other consumption of which is presently exempted under the state use tax statutes from the state use tax. Subject to those exemptions, every person storing or using or otherwise consuming in the county tangible personal property purchased at retail on or after the effective date of such taxes shall be liable for the taxes imposed by this section, and the liability shall not be extinguished until the tax has been paid by such person; provided, however, that a receipt from a registered seller given pursuant to Section 6 of this act to the purchaser of any property to be used, stored or consumed in the county shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 4. Payment of Taxes Herein Levied; Reports by Taxpayers. The sales taxes levied in Section 2 hereof shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues; and the use taxes levied in Section 3 hereof shall be due and payable quarterly on or before the twentieth day of the month next succeeding

each quarterly period during which the storage, use or other consumption of the tangible personal property became taxable hereunder each such quarterly period to end on the last day of each of the months of March, June, September and December. The sales taxes levied in Section 2 of this act shall be paid to and collected by the state department of revenue at the same time as and along with the payment and collection of the state sales tax; and the use taxes levied in Section 3 of this act shall be paid to and collected by the state department of revenue at the same time as and along with the payment and collection of the state use tax. On or prior to the due dates of the taxes herein levied, each person subject to such taxes shall file with the state department of revenue a report or return in such form as may be prescribed by the said department, setting forth, with respect to all sales and business that are required to be used as a measure of the sales taxes herein levied, a correct statement of the gross proceeds of all such taxes and the gross receipts of all such business, and setting forth, with respect to the use taxes levied herein the total sales price of all property, the use, storage or other consumption of which became subject to the said taxes during the then preceding quarterly period. Such report shall include all such other items of information pertinent to the said taxes and the amount thereof as the state department of revenue may require. Any person subject to the sales taxes levied herein may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the state department of revenue under this section shall be available for inspection by the governing body of the county or its designated agent at reasonable times during business hours.

Section 5. Sales Tax to be Added to Sales Price or Admission Fee. Each person engaging or continuing within the county in a business subject to the sales taxes levied in Section 2 hereof shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes. It shall be unlawful for any person subject to the sales taxes levied in the said Section 2 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or the person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said taxes to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said taxes or any portion thereof.

Section 6. Special Provisions Respecting Payment of Use Tax;

Receipts and Returns by Registered Sellers. Every registered seller making sales of tangible personal property for storage, use or other consumption in the county (which storage, use or other consumption is not exempted from the use taxes herein levied) shall at the time of making such sale, or if the storage, use or other consumption of such tangible personal property in the county is not then subject to the taxes herein levied, at the time such storage, use or other consumption becomes subject to the taxes herein levied, collect the tax from the purchases and shall give to the purchaser a receipt therefor in the manner and form prescribed by the state department of revenue. On the twentieth day of the month next succeeding following the close of each quarterly period, each registered seller shall file with the state department of revenue a return for the then preceding quarterly period in such form as may be prescribed by the state department of revenue showing the total sales price of the tangible personal property sold by such registered seller, the storage, use or other consumption of which became subject to the use taxes herein imposed, during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the use taxes required to be collected by such registered seller during the period covered by the return; provided that any registered seller may defer collecting the taxes with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales, shall include in each quarterly report all credit collections made during the preceding quarterly period and shall remit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage or other consumption of tangible personal property in the county need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property the storage, use or other consumption of which is subject to the use taxes imposed herein, and who has not paid the said use taxes due with respect thereto to a registered seller, shall report and pay said use taxes as required by Section 4 hereof. It shall be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the use taxes imposed herein or to refund or offer to refund or absorb, or to advertise directly or indirectly, the absorption of said use taxes or any portion thereof.

Section 7. Enforcement of This Act; Civil Suit; Taxes a Lien. The taxes imposed by this act shall constitute a debt due the county and may be collected by civil suit, in addition to all other methods provided by law and in this act. The said taxes, together with interest and penalties with respect thereto shall constitute and be secured by a lien upon the property of any person from whom said

taxes are due or who is required to collect said taxes. All the provisions of the revenue laws of the state which apply to the enforcement of liens for license taxes due the state shall apply fully to the collection of the taxes herein levied, and the state department of revenue, for the use and benefit of the county as hereinafter specified, shall collect such taxes and enforce this act and shall have and exercise for such collection and enforcement all rights and remedies that the state department of revenue has for collection of the State Sales Tax and the State Use Tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes levied by this act and otherwise to enforce the provisions of this act, including the institution, prosecution and defense of any litigation involving this act; and the said department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it hereunder.

Section 8. Applicability of State Sales and Use Tax Statutes. All provisions of the State Sales Tax Statutes with respect to payment assessments and collections of the State Sales Tax, making of monthly reports and keeping and preserving records with respect thereto, interest after the due date of said tax, penalties for failure to pay the said tax, make reports or otherwise comply with the State Sales Tax Statutes, the promulgation of rules and regulations with respect to the State Sales Tax, and the administration and enforcement of the State Sales Tax Statutes, which are not inconsistent with the provisions of this act, when applied to the sales taxes levied in Section 2 hereof, shall apply to the sales taxes levied in Section 2; and all provisions of the state use tax statutes with respect to payment, assessment and collection of the State Use Tax, making quarterly reports and keeping and preserving records with respect thereto, interest after the due date of the State Use Tax, penalties for failure to pay said tax, make reports or otherwise to comply with the State Use Tax Statutes, the promulgation of rules and regulations with respect to the State Use Tax and the administration and enforcement of the State Use Tax Statutes, which are not inconsistent with the provisions of this act, when applied to the use taxes levied in Section 3 hereof, shall apply to the use taxes in the said Section 3. The commissioner and the state department of revenue shall have and exercise the same powers, duties and obligations, with respect to the taxes herein levied, that are imposed on the commissioner and the said department by the State Sales Tax Statutes and the State Use Tax Statutes. All provisions of the State Sales Tax Statutes and the State Use Tax Statutes that are made applicable by this act to the taxes herein levied and to the administration of this act are incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 9. Charge of State Department of Revenue; Disposition of Tax Proceeds. The state department of revenue shall charge the county, for collecting the taxes levied herein, the costs of the said department in collecting the said taxes; provided such charge shall not, in any event, exceed five percent of the total amount of the taxes collected hereunder. Such charge for collecting the said taxes for the county may be deducted each month from the tax proceeds collected before the amount of the said proceeds due the county for that month is certified as provided in this section. The commissioner shall pay into the state treasury all taxes collected under this act, as such taxes are received by the state department of revenue; and on or before the first of each successive month (commencing with the month next succeeding the month in which the said department makes the first collection of any of the taxes levied hereunder) the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this act and paid by him into the state treasury for the benefit of the county during the month immediately preceding the making of such certificate provided, however, that before certifying the amount of taxes paid into the state treasury for the benefit of the county during each month, the commissioner may deduct from the taxes collected hereunder in said month the charges due the said department for collection of said taxes. It shall be the duty of the state comptroller (i) to issue his warrant each month, payable to the county in an amount equal to the amount so certified by the commissioner as having been collected for the use of the county, and (ii) to transmit to the county, along with the said warrant, a copy of the said certificate by the commissioner.

Section 10. Use of Tax Proceeds. The proceeds of any taxes herein authorized to be levied shall be paid over by the county general fund within ten (10) days after their receipt.

The net proceeds therefrom shall be used for the construction, operation and maintenance of a county jail. Provided, however, five years from the date the costs of such construction, operation and maintenance have been paid in full, any funds in excess of those necessary for the operation and maintenance of the jail complex shall revert to the use of the county general fund.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This act shall be effective and operative only if it shall have been approved by a majority of the qualified electors of Bullock County who vote hereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Consti-

tution, and shall be held on the same day as the next primary or general election of state or county officers, or any election of any amendment to the Constitution, next following final passage of this act. Notice of the election shall be given by the judge of probate of Bullock County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

“Do you favor the local law passed at the 1981 Regular Session of the Legislature which imposes a one percent sales and use tax for Bullock County, the proceeds of which are dedicated to the construction, operation and maintenance of a county jail and five years thereafter for the operation and maintenance of the jail and the use of the county general fund? Yes () No ().”

If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the act shall have no legal effect. The judge of probate of Bullock County shall certify the results of the election to the Secretary of State and to the state revenue department immediately after the returns have been certified.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-839

H. 1116—Rep. Smith (C)

AN ACT

To authorize the Chilton County Commission to provide protection against forest fires within the county and to assess the whole or part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Chilton County is authorized, when the need exists, to provide protection against forest fires in Chilton County by participating in the Alabama Forestry Commission's fire protection program in the manner hereinafter specified.

Section 2. (a) After the Chilton County Commission has determined that such a need does exist in Chilton County, the county commission may, in the manner hereinafter specified, provide for a financial charge or tax to be paid by the owners of forest lands located

in Chilton County for the use of the land for timber growing purposes amounting to the whole or any part of the cost of such fire protection program, but not in excess of ten cents per acre, provided such financial charge or tax is not greater than the benefit accruing to such forest lands due to the availability of such fire protection.

(b) "Forest lands" as used in this act, shall mean any land which supports a forest growth, or which under prevailing natural and economic conditions may be expected to support a growth in the future, or which is being used or reserved for any forest purpose. "Forest lands" as used in this act, shall not include any lands primarily used for residential purposes nor shall it include any publicly owned lands.

Section 3. The need for such a financial charge or tax to provide forest fire protection within the county shall be determined by the county commission after a public hearing is held thereon. Notice of such public hearing shall be given by the county commission for a period of two consecutive weeks by advertisement in a newspaper of general circulation in Chilton County. Such advertisement must indicate the date, time, and place of the hearing, the manner proposed to finance such fire protection program, and the part of the cost of such program that is proposed to be paid by the owners of forest lands. Any person owning forest land in Chilton County may appear in person or by attorney at such time and place and make defense against such financial charge or tax or the amount thereof. After such hearing the county commission shall determine whether or not a need exists for such a charge of tax; and if a need is found to exist for such financial charge or tax, the county commission shall determine the amount of such financial charge or tax and enter on the minutes of the county commission an order fixing such financial charge or tax.

Section 4. Any such financial charge or tax fixed as provided in the above section shall be payable at the same time and in the same manner as county taxes and the owners of the forest lands, as herein defined, shall make report of same to the tax assessor of Chilton County at the time fixed by law for making return of the property of such property owner. Financial charges or taxes levied shall constitute a lien on the property against which they are charged or taxed. In the case of default in the payment of such financial charge or tax the land may be sold in the same manner and under the same conditions that lands are sold for the satisfaction of liens for county ad valorem taxes and redemption from such sale may be effected in the same manner as is provided by law for redemption where land is sold for non-payment of ad valorem taxes.

Section 5. The county commission of Chilton County is authorized to appoint agents and delegate authority to individuals

to search out forest lands in Chilton County, determine the area and owners thereof, and report same to the tax assessor of Chilton County who shall be authorized, after notice by certified mail to such owners, and hearing before the county commission if so requested by such owners, to place said financial charge or tax against said forest lands as may be determined by the report of such agents or the determination of said county commission. The determination shall be made on or before October 1, 1983.

Section 6. All monies accruing to Chilton County shall be placed in the general fund of the county and shall only be spent by the county commission in participating in the Alabama Forestry Commissions's forest fire protection in Chilton County.

Section 7. The county commission of Chilton County is authorized to remove such financial charge or tax after said county commission has determined that the financial charge or tax is no longer needed. The county commission shall hold public hearings to determine whether or not the financial charge or tax is still needed. Procedures for such public hearing shall be the same as those in Section 3 of this act.

Section 8. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective October 1, 1981.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-840

H. 406—Reps. Payne, Biddle, Lewis

AN ACT

To amend Section 13A-5-6, Code of Alabama 1975, relating to sentences of imprisonment for felonies, so as to set the penalty for using or attempting to use a deadly weapon in the commission of a felony.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 13A-5-6, Code of Alabama 1975, is hereby amended to read as follows:

“§ 13A-5-6.

“(a) Sentences for felonies shall be for a definite term of imprisonment, which imprisonment includes hard labor, within the following limitations:

“(1) For a Class A felony, for life or not more than 99 years or less than 10 years.

“(2) For a Class B felony, not more than 20 years or less than 2 years.

“(3) For a Class C felony, not more than 10 years or less than 1 year and 1 day.

“(4) For a class A felony in which a firearm or deadly weapon was used or attempted to be used in the commission of the felony, not less than 20 years.

“(5) For a Class B or C felony in which a firearm or deadly weapon was used or attempted to be used in the commission of the felony, not less than 10 years.

“(b) The actual time of release within the limitations established by subsection (a) of this section shall be determined under procedures established elsewhere by law.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-841

H. 1056—Rep. Hines

AN ACT

Relating to Escambia County; creating a county jury commission; providing for the appointment of the members and clerks thereof, and for their qualifications, duties, compensation, and tenure and repealing Act No. 515, H. 1267, Regular Session 1976 (Acts 1976, p. 658).

Be It Enacted by the Legislature of Alabama:

Section 1. In Escambia County, there is hereby created a county jury commission which shall be appointed by the board of appointment. Said commission shall be composed of four members, one to be appointed from each county commissioner district.

Section 2. The members of the jury commission shall serve at the pleasure of the board of appointment and shall serve for terms of four years until their successors are appointed and qualified or for a shorter term if dismissed for cause by the unanimous action of the board of appointment. Vacancies shall be filled by the board of appointment as soon as possible upon the occurrence of any vacancy. Any commissioner of the jury commission who moves his residence from the district which he represents thereby automatically vacates his office. Members of the jury commission shall not hold any other public office or any political party office, nor shall they be employed by any governmental unit in any other capacity.

Section 3. (a) The jury commission shall select from among its members a chairman at the first regular meeting of each year. The commission shall meet at least twice a year for regular meetings not to exceed four successive calendar days per meeting unless authorized by the board of appointment. The chairman shall be authorized, with consent of the board of appointment. The chairman shall be authorized, with consent of the board of appointment, to call special meetings of the jury commission. The chairman shall notify all members of the jury commission within a reasonable time, of all meetings, regular or special, including the time, place and subject matter of the meeting.

(b) Three members present at any meeting shall constitute a quorum for the transaction of business and a majority vote thereof shall be sufficient to transact the business of the jury commission.

(c) The jury commission shall perform the duties required by law of jury commissions, and shall have and exercise the powers and authority of such commission.

Section 4. Each member of the jury commission shall be entitled to receive \$60.00 for each day he is actually engaged in the performance of his duties plus mileage on the same basis as mileage allowed to employees of the State of Alabama. Such compensation shall be paid by the county on certificate of the chairman of the jury commission.

Section 5. Immediately upon the appointment of the jury commission under the provisions of this Act the clerk of the circuit court is directed to mail to each member of the said jury commission a list of registered voters in each member's county commission district along with other suggested sources of names of prospective jurors and in addition the clerk of the circuit court is to provide each member of said commission with a copy of the statutory qualifications for jurors and also a copy of persons exempt from jury duty by statute in order that said member of the jury commission might ascertain

the names of qualified jurors in their respective district prior to going into formal session under the provisions of this act and thereby expedite the business of the said jury commission once it meets in formal session to fill the jury box.

Section 6. The clerk of the circuit court of the county may, at his election, serve as clerk for the jury commission. If for any reason the circuit clerk does not choose to serve, the jury commission shall appoint a clerk. The clerk shall perform the duties prescribed by law for clerks of jury commissions, and shall keep the minutes and records of the board. He shall be paid \$2,400 per year, payable in equal monthly installments from the county general fund.

Section 7. The board of appointment provided for in Section 1 shall meet within ten days from the effective date of this act, and at a time and place designated by the chairman, and select members of the jury commission as herein provided, whose terms shall begin on the date such meeting is held.

Section 8. All laws or parts of laws which conflict with this act are repealed and specifically Act No. 515, H. 1267, Regular Session 1976 (Acts 1976, p. 658), is hereby repealed.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-842

H. 375—Rep. Drinkard

AN ACT

To amend section 25-4-91, The Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act, so as to permit a claim to be reopened and redetermined within one year after the end of the benefit year if the original determination was based upon false or misrepresented information.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 25-4-91, Code of Alabama 1975, as last amended, is hereby amended to read:

“§ 25-4-91. Determinations and redeterminations upon claims for benefits. -

(a) Determination by examiner.—A determination upon a claim filed pursuant to section 25-4-90 shall be made promptly by an examiner designated by the director, and shall include a statement as to whether and in what amount a claimant is entitled to benefits and, in the event of denial, shall state the reasons therefor, except that, where he deems additional evidence to be needed, the examiner may refer such claim or any question involved therein to an appeals tribunal who shall make this decision with respect thereto in accordance with the proceeding prescribed in section 25-4-93. A determination with respect to the first week of a benefit year shall also include a statement as to whether the claimant has been paid the wages specified under subdivision (5) of section 25-4-77 and if so, the first day of the benefit year, his weekly benefit amount, and the maximum total amount of benefits payable to him with respect to a benefit year.

(b) Redetermination by director.—(1) The director may reconsider any determination which has not become final as provided in subsection (d) of this section and may issue a redetermination which shall be deemed to be the decision of the examiner. The director may reconsider a determination which has become final whenever he finds that an error in wages, computation or identity has occurred in connection therewith, or that the amount of benefits was fixed on the basis of misrepresentations of fact, and may issue a redetermination which shall be deemed to be the decision of the examiner. No such redetermination shall be made after the expiration of the benefit year within which the claim was filed. Notice of any such redetermination shall be promptly given to the parties entitled to notice of the original determination in the manner prescribed in this section with respect to notice of an original determination. If the amount of benefits is increased upon such redetermination an appeal therefrom solely with respect to the matters involved in such increase may be filed in the manner and subject to the limitations provided in section 25-4-93. If the amount of benefits is decreased upon such redetermination, the matters involved in such decrease shall be subject to review in connection with an appeal by claimant from any redetermination upon a subsequent claim for benefits which may be affected in amount or duration by such redetermination. Subject to the same limitations and for the same reasons, the director may reconsider a determination in any case in which the final decision has been rendered by an appeals tribunal, the board of appeals or a court, and may apply to the body or court which rendered such final decision for a rehearing thereon.

(2) In the event that an appeal involving an original determination is pending as of the date a redetermination thereof is issued, such appeal, unless withdrawn, shall be treated as an appeal from such redetermination.

(b) **Redeterminations and Reconsiderations.**—(1) The Director may reconsider any determination which has not become final as provided in subsection (d) of this section and may issue a redetermination. The Director may reconsider a determination which has become final whenever he finds that an error or omission in base period wages, computation of benefits, or identity of the claimant or the employer of whom the claimant worked during the base period of his claim has occurred in connection therewith and may issue a redetermination. No such redetermination shall be made after the expiration of the benefit year within which the claim was filed except that the Director may, within one year after the end of such benefit year, reconsider any determination which has become final and issue a redetermination upon a finding that the determination was based on false statements or misrepresentation of material facts whether or not intentional. Notice of any such redetermination shall be promptly given to the parties entitled to notice of the original determination in the manner prescribed in this section with respect to notice of an original determination. Such redetermination shall be subject to review upon appeal in the same manner and under the same conditions as original determinations. Except when the Director has written documentation that an interested party has made false statements or a misrepresentation of material facts or such party admits to such in writing or waives his right to a hearing, no redetermination shall be effectuated so as to interrupt the benefit status of a claimant until after the determinator has become final.

(2) An appeal tribunal or the Board of Appeals may reconsider any decision which has not become final as provided by Section 25-4-92 and 25-4-94 and may issue an amended decision. An appeals tribunal or the Board of Appeals may, within one year after the end of the benefit year, reconsider any decision which has become final and issue an amended decision upon a finding that the decision was based on false statements or misrepresentation of material facts, whether or not intentional and the Director may petition the body which issued the decision for a rehearing and amended decision.

(3) In the event that an appeal involving an original determination is pending as of the date a redetermination thereof is issued, such appeal, unless withdrawn, shall be treated as an appeal from such redetermination.

(c) **Notice of determination and notice of payment.**—(1) Notice of determination or decision upon a claim shall be promptly given to the claimant and the claimant's last employing unit by delivery thereof or by mailing such notices to their last known addresses.

(2) Notice of payment will be promptly given to every employer in the claimant's base period who is not entitled to a notice of deter-

mination when the claimant has been paid an amount equal to or exceeding the amount of benefits payable to him for three weeks of total unemployment by delivery thereof or by mailing such notice to their last known addresses.

(d) Finality of determinations and notice of payment.—(1) Unless any party to whom notice of determination is required to be given shall, within seven calendar days after delivery of such notice or within 15 calendar days after such notice was mailed to his last known address, file an appeal from such decision, such decision shall be deemed final.

If an appeal is duly filed, any disputed benefits which may have been paid at any time prior to the final decision, which would not have been payable under the terms of the final decision, shall be determined to be an overpayment and the claimant shall be required to repay to the fund any such benefits. If an appeal is duly filed by an interested employer, wages in the base period paid by that employer shall not be determined to be employee's or employer's benefit wages for the purpose of the experience rating provisions of section 25-4-54 until the decision on such appeal becomes final and in event the final decision allows benefits the charge to the employer's experience rating record will be made in the calendar quarter in which such decision becomes final.

(2) Unless any party to whom notice of payment is required to be given shall, within seven calendar days after delivery of such notice or within 15 calendar days after such notice was mailed to his last known address, request the director to review the decision determining wages to be benefit wages, such decision shall become final. If the final decision provides for the removal of benefit wages, such a credit shall be applied to the calendar year and the calendar quarter in which such decision becomes final and no attempt shall be made to relate the credit to the period in which the wages were previously determined to be benefit wages."

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and for this purpose the provisions of this act are severable.

Section 4. This act to take effect immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-843

H. 593—Rep. Whatley

AN ACT

To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$3,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words and phrases used in this Act, and other evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

“Authority” means the public corporation organized pursuant to the provisions of Sections 41-10-20 through 41-10-32, Code of Alabama 1975.

“Board of Directors” means the board of directors of the Authority.

“Bonds” means the bonds issued under the provisions of this Act.

“Grantee” means a county, municipality or local industrial development board organized as a public corporation in this state, or an airport authority organized as a public corporation in this state pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975, to which a grant of money is made as provided in Section 3 hereof.

“Industrial sites” means land owned by a grantee or potential grantee on which industrial facilities have been or will be constructed for sale or lease to an individual, private association or private cor-

poration.

“Nominal transferee” means any person to whom a grantee transfers one or more industrial sites or any part of any thereof for less than fair market value and any person who derives title to such industrial sites or any part of any thereof through such a transferee.

“Person,” unless limited to a natural person by the context in which it is used, includes a private firm, a private association, a public or private corporation, a municipality, a county, or an agency, department or instrumentality of the state or of a county or municipality.

“Preparation of industrial sites” means the grading of industrial sites and the means of access thereto, and the draining thereof to prevent the accumulation of excess natural waters thereon.

“State” means the State of Alabama.

“Herein,” “hereby,” “hereunder,” “hereof,” and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such words are used.

The definitions set forth above shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein, any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Section 2. Authorization to Issue Additional Bonds. In addition to all powers heretofore conferred on it by Acts heretofore enacted by the Legislature of Alabama, and in addition to all other powers conferred on it in this Act, the Authority is hereby authorized from time to time to sell and issue its bonds, not exceeding three million dollars (\$3,000,000) in aggregate principal amount, for the purpose of making the grants of money authorized in Section 3 hereof, and to anticipate by the issuance of its bonds the receipt of the revenues herein appropriated and pledged.

Section 3. Authorization to Make Grants of Money. The Authority is hereby authorized to make grants of money derived from the sale of the bonds to counties, municipalities and local industrial development boards organized as public corporations in the state for use by the grantees for any one or more of the following purposes: (1) the making of surveys to determine the location of suitable industrial sites in the locality of the grantee; (2) the making of surveys to determine the availability of labor in the locality of the grantee and to classify such labor in terms of skills and educational level; (3) the preparation of industrial sites; or (4) any combination of any of the foregoing which the grantees consider appropriate and necessary for the promotion of industrial development in their respective localities.

Every grant of money made by the Authority, any part of which is made from the proceeds of the bonds, shall be made subject to the following terms and conditions, which are hereby declared to be legally enforceable, and may be enforced by the Authority, in any court of competent jurisdiction:

(a) No such grant shall be in an amount greater than the total of the following stated per centums of the costs that it is anticipated will be expended for the construction and equipment of the facilities that will occupy the industrial site with respect to which the grant is made, as such anticipated costs shall be certified to the Authority by a registered architect or a registered engineer or by the chief executive officer of the body to which the grant is made: Six per centum (6%) of the anticipated cost for the construction and equipment of facilities that will occupy said site when such costs are \$100,000 or less; five per centum (5%) of the anticipated cost when such anticipated cost exceeds \$100,000 but does not exceed \$200,000, but in no event shall the grant be less than \$6,000; four per centum (4%) of the anticipated cost when such anticipated cost exceeds \$200,000 but does not exceed \$400,000, but in no event shall the grant be less than \$10,000; three per centum (3%) of the anticipated cost when such anticipated cost exceeds \$400,000 but does not exceed \$800,000, but in no event shall the grant be less than \$16,000; two per centum (2%) of the anticipated cost when such anticipated cost exceeds \$800,000 but does not exceed \$1,600,000 but in no event shall the grant be less than \$24,000; one per centum (1%) of the anticipated cost when such anticipated cost exceeds \$1,600,000 but does not exceed \$10,000,000, but in no event shall the grant be less than \$32,000; three quarters of one per centum ($3/4\%$) of the anticipated cost when such anticipated cost exceeds \$10,000,000 but does not exceed \$20,000,000, but in no event shall the grant be less than \$100,000; provided, however, that the total of any grant so made shall not exceed \$150,000;

(b) No such grant or grants shall be made for any part of the anticipated costs of the preparation of an industrial site, and if made shall not be used, in any case where any individual, private association or private corporation has received or is to receive an option to purchase the industrial site with respect to which the grant is made (as distinguished from improvements to be constructed on such site which are not to become a part of the site on which such improvements are to be constructed), or any part of any thereof, form the grantee or any nominal transferee of the grantee for less than the fair market value of such industrial site;

(c) The Authority shall have power to audit the disbursements by the grantees from such grant or grants; and

(d) The Authority may specify any appropriate terms and con-

ditions to facilitate the enforcement of the foregoing provisions of this paragraph.

Section 4. Details Respecting the Bonds. The bonds of the Authority shall be signed by its president and attested by its secretary and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to such bonds shall be signed by the president; provided, that a facsimile of the signature of one, but not both, of the said officers may be printed or otherwise reproduced on any such bonds in lieu of being manually subscribed thereon, a facsimile of the seal of the Authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the president's signature may be printed or otherwise reproduced on any such interest coupons in lieu of being manually subscribed thereon. Any bonds of the Authority may be executed and delivered by it any time and from time to time, and shall be in such form or forms and such denomination or denominations and of such tenor and maturities, shall bear such rate or rates of interest, shall be payable at such times and evidenced in such manner, and may contain such other provisions not inconsistent herewith, all as may be provided by the resolution of the board of directors of the Authority under which such bonds are authorized to be issued; provided, that no bond of the Authority shall have a specified maturity date later than twenty years after its date. Any bond of the Authority may be made subject to redemption at the option of the Authority at such times and after such notice and on such conditions and at such redemption price or prices as may be provided in the resolution under which it is authorized to be issued; provided, that those bonds of the Authority having specified maturity dates more than ten years after their date shall be made subject to redemption at the option of the Authority not later than the end of the tenth year after their date, and on any interest payment date thereafter, under such terms and conditions and at such redemption price or prices as may be provided in the resolution under which such bonds are authorized to be issued. Bonds of the Authority may be sold from time to time as the board of directors of the Authority may consider advantageous, but bonds of the Authority must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the Authority for the bonds being sold, computed from their date to their respective maturities; provided, that if no bid acceptable to the Authority is received, it may reject all bids. Notice of each such sale shall be given by publication in either a financial newspaper published in the City of New York, New York, and also by publication in a daily newspaper customarily published in the State of Alabama not less than five days during each calendar week, each of which notices must be published at least one time not less than ten days before the date fixed for the sale. The board of directors

of the Authority may fix the terms and conditions under which such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided, further, that such terms and conditions shall not conflict with any of the requirements of this Act. Subject to the provisions and limitations contained in this Act, the Authority may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the Authority then outstanding. Such refunding bonds shall be subrogated and entitled to all priorities, rights and pledges to which the bonds refunded thereby were entitled. The Authority may pay out of the proceeds of the sale of its bonds attorneys' fees and the expenses of issuance which the said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. No fiscal agents' fees shall be paid in connection with the issuance or sale of any bonds. Bonds issued by the Authority shall not be general obligations of the Authority but shall be payable solely out of the funds appropriated and pledged therefor in Section 6 hereof. As security for the payment of the principal of and interest on the bonds issued by it, the Authority is hereby authorized and empowered to pledge for payment of such principal and interest the funds that are appropriated and pledged in Section 6 hereof for payment of such principal and interest. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing such pledges; provided, that each pledge for the benefit of refunding bonds shall have the same priority as the pledge for the benefit of the bonds refunded thereby. All contracts made and all bonds issued by the Authority pursuant to the provisions of this Act shall be solely and exclusively obligations of the Authority and shall not constitute or create an obligation or debt of the State of Alabama. All bonds issued by the Authority and the income therefrom should be exempt from all taxation in the state. Any bonds issued by the Authority may be used by the holder thereof as security for any funds belonging to the state, or to any political subdivision, instrumentality or agency of the state, in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in bonds of the Authority. Neither a public hearing nor consent of the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of bonds by the Authority. The bonds issued under the provisions of this Act shall be legal investments for funds of the "Teachers' Retirement System of Alabama," the "Employees' Retirement System of Alabama," and the "State Insurance Fund."

Section 5. Deposit and Investment of and Disbursement from Bond Proceeds. The proceeds of all bonds, other than refunding bonds, issued by the Authority remaining after paying expenses of their issuance shall be deposited in the state treasury, and shall be carried in the state treasury in a special or separate account. Such funds shall be subject to be drawn upon by the Authority, but any funds so withdrawn shall be used solely for the purposes for which the bonds were issued as authorized in this Act.

The state treasurer, with the approval of the president of the Authority, shall invest funds not needed within the ensuing thirty days for any purpose for which they are held, which investments shall be made in the manner authorized and provided for in Act No. 66 adopted at the 1945 Regular Session of the Legislature of Alabama.

The proceeds from the sale of any refunding bonds issued hereunder remaining after paying the expenses of their issuance shall be used only for the purpose of refunding the principal of outstanding bonds of the Authority and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded.

Section 6. Revenues of the Authority. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of and interest on any bonds issued by it under the provisions of this Act and to accomplish the objects of this Act, there is hereby irrevocably pledged to such purpose and there is hereby appropriated so much as may be necessary for such purpose of the residue of the receipts from the tax levied by Section 40-25-2, Code of Alabama 1975, after there shall have been taken therefrom the amount necessary for the purposes specified in Section 40-25-23 (1) b 1, Code of Alabama 1975. All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of and the interest on the bonds herein authorized.

Section 7. Disbursements of Funds. Out of the revenues appropriated and pledged in Section 6 hereof, the state treasurer is hereby authorized and directed to pay the principal of and interest on the bonds issued by the Authority under the provisions of this Act, as the said principal and interest shall respectively mature, and the state treasurer is further authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-844

H. 947—Reps. Ray, Grimsley, Whatley,
Sasser

AN ACT

To authorize the Barbour County Commission to provide protection against uncontrolled fires and to assist with and encourage the use of beneficial forestry practices, such as plowing fire lanes, assisting in controlled burning, etc., within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Barbour County is authorized, when the need exists, to provide protection against uncontrolled forest fires and assist in other forestry practices as above in Barbour County by participating in the Alabama Forestry Commission's fire protection program in the manner hereinafter specified.

Section 2. (a) After the Barbour County Commission has determined that such a need does exist in Barbour County, the county commission may, in the manner hereinafter specified, provide for an assessment to be paid by the owners of forest lands located in Barbour County for the use of the land for timber growing purposes amounting to the whole or any part of the cost of such fire protection program and assistance with other forestry practices as stated above but not in excess of five cents per acre, provided such assessment is not greater than the benefit accruing to such forest lands due to availability of such fire protection and other forestry assistance practices.

(b) "Forest lands" as used in this act, shall mean any land which supports a forest or timber growth. "Forest lands" as used in this act, shall not include any lands primarily used for livestock range, residential purposes, publicly owned lands, or lands used for purposes other than timber production.

Section 3. The need for such assessment to provide uncontrolled forest fire protection and for assistance in other practices

within the county shall be determined by the county commission after a public hearing is held thereon. Notice of such public hearing shall be given by the county commission for a period of two consecutive weeks by advertisement in a newspaper of general circulation in Barbour County. Such advertisement must indicate the date, time, and place of the hearing, the manner proposed to finance such fire protection and other programs and the part of the cost of such that is proposed to be paid by the owners of forest lands. Any person owning forest land in Barbour County may appear in person or by attorney at such time and place and make defense against such assessment or the amount thereof. After such hearing the county commission shall determine whether or not a need exists for such financial assessment, the county commission shall determine the amount of such financial assessment and enter on the minutes of the county commission an order fixing such financial assessment.

Section 4. Any such financial assessment fixed as provided in the above section shall be payable at the same time and in the same manner as county taxes and the owners of the forest lands, as herein defined, shall make report of same to the tax assessor of Barbour County at the time fixed by law for making return of the property of such property owner. Financial assessments levied shall constitute a lien on the property against which they are assessed.

Section 5. The Tax Assessor of Barbour County shall be authorized to determine the forest areas and owners thereof and after notice by certified mail to such owners, and hearing before the county commission, if so requested by such owners, to place said assessment against said forest lands.

Section 6. The assessment herein imposed shall be due and payable to the Tax Collector Barbour County and shall, when collected, be paid by such Barbour County Tax Collector to the Treasury of Barbour County. All monies collected in accordance with this act shall be spent in participating in the Alabama Forestry Commission's uncontrolled forest fire protection and other forestry assistance practices in Barbour County.

Section 7. The county commission of Barbour County is authorized to remove such financial charge or tax after said county commission has determined that the financial charge or tax is no longer needed. The county commission shall hold public hearings to determine whether or not the financial charge or tax is still needed. Procedures for such public hearings shall be in the same as those in Section 3 of this act.

Section 8. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains provided the county commission approves the remainder in toto.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-845

H. 1012—Rep. Reed

AN ACT

To authorize the Macon County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Macon County is authorized, when the need exists, to provide protection against forest fires in Macon County by participating in the Alabama Forestry Commission's fire protection program in the manner hereinafter specified.

Section 2. (a) After the Macon County Commission has determined that such a need does exist in Macon County, the county commission may, in the manner hereinafter specified, provide for a financial charge or tax to be paid by the owners of forest lands located in Macon County for the use of the land for timber growing purposes amounting to the whole or any part of the cost of such fire protection program, but not in excess of ten cents per acre, provided such financial charge or tax is not greater than the benefit accruing to such forest lands due to availability of such fire protection.

(b) "Forest lands" as used in this act, shall mean any land which supports a forest growth, or which under prevailing natural and economic conditions may be expected to support such a growth in the future, or which is being used or reserved for any purpose. "Forest lands" as used in this act, shall not include any lands primarily used for residential purposes nor shall it include any publicly owned lands.

Section 3. The need for such financial charge or tax to provide

forest fire protection within the county shall be determined by the county commission after a public hearing is held thereon. Notice of such public hearing shall be given by the county commission for a period of two consecutive weeks by advertisement in a newspaper of general circulation in Macon County. Such advertisement must indicate the date, time, and place of the hearing, the manner proposed to finance such fire protection program, and the part of the cost of such that is proposed to be paid by the owners of forest lands. Any person owning forest land in Macon County may appear in person or by attorney at such time and place and make defense against such financial charge or tax or the amount thereof. After such hearing the county commission shall determine whether or not a need exists for such a charge or tax; and if a need is found to exist for such financial charge or tax, the county commission shall determine the amount of such financial charge or tax and enter on the minutes of the county commission an order fixing such financial charge or tax.

Section 4. Any such financial charge or tax fixed as provided in the above section shall be payable at the same time and in the same manner as county taxes and the owners of the forest lands, as herein defined, shall make reports of same to the tax assessor of Macon County at the time fixed by law for making return of the property of such property owner. Financial charges or taxes levied shall constitute a lien on the property against which they are charged or taxed.

Section 5. The county commission of Macon County is authorized to appoint agents and delegate authority to individuals to search out forest lands in Macon County, determine the area and owners thereof, and report same to the Tax Assessor of Macon County who shall be authorized after notice by certified mail to such owners, and hearing before the county commission if so requested by such owners, to place said financial charge or tax against said forest lands as may be determined by the report of such agents or the determination of said county commission.

Section 6. The tax herein imposed shall be due and payable quarterly to the Macon County Tax Collector, and shall, when collected, be paid by such Macon County Tax Collector to the Treasury of Macon County. All monies collected in accordance with this act shall be spent in participating in the Alabama Forestry Commission's forest fire protection program in Macon County.

Section 7. The county commission of Macon County is authorized to remove such financial charge or tax after said county commission has determined that the financial charge or tax is no longer needed. The county commission shall hold public hearings to determine whether or not the financial charge or tax is still needed.

Procedures for such public hearings shall be the same as those in Section 3 of this act.

Section 8. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-846

H. 1027—Rep. Letson

AN ACT

Relating to Lawrence County; authorizing the county commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and prescribing the procedure for levying and collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Lawrence County is authorized, when the need exists, to provide protection against forest fires in Lawrence County by participating in the Alabama Forestry Commission's fire protection program in the manner hereinafter specified.

Section 2. (a) After the Lawrence County Commission has determined that such a need does exist in Lawrence County, the county commission may, in the manner hereinafter specified, provide for a financial charge or tax to be paid by the owners of forest lands located in Lawrence County for the use of the land for timber growing purposes amounting to the whole or any part of the cost of such fire protection program, but not in excess of ten cents per acre, provided such financial charge or tax is not greater than the benefit accruing to such forest lands due to availability of such fire protection.

(b) "Forest lands" as used in this Act, shall mean any land which supports a forest growth, or which under prevailing natural and economic conditions may be expected to support such a growth in the future, or which is being used or reserved for any purpose. "Forest

lands" as used in this Act, shall not include any lands primarily used for residential purposes nor shall it include any publicly owned lands.

Section 3. The need for such financial charge or tax to provide forest fire protection within the county shall be determined by the county commission after a public hearing is held thereon. Notice of such public hearing shall be given by the county commission for a period of two consecutive weeks by advertisement in a newspaper of general circulation in Lawrence County. Such advertisement must indicate the date, time, and place of the hearing, the manner proposed to finance such fire protection program, and the part of the cost of such that is proposed to be paid by the owners of forest lands. Any person owning forest land in Lawrence County may appear in person or by attorney at such time and place and make defense against such financial charge or tax or the amount thereof. After such hearing the county commission shall determine whether or not a need exists for such a charge or tax; and if a need is found to exist for such financial charge or tax, the county commission shall determine the amount of such financial charge or tax and enter on the minutes of the county commission an order fixing such financial charge or tax.

Section 4. Any such financial charge or tax fixed as provided in the above section shall be payable at the same time and in the same manner as county taxes and the owners of the forest lands, as herein defined, shall make report of same to the tax assessor of Lawrence County at the time fixed by law for making return of the property of such property owner. Financial charges or taxes levied shall constitute a lien on the property against which they are charged or taxed.

Section 5. The county commission of Lawrence County is authorized to appoint agents and delegate authority to individuals to search out forest lands in Lawrence County, determine the area and owners thereof, and report same to the tax assessor of Lawrence County who shall be authorized, after notice by certified mail to such owners, and hearing before the county commission if so requested by such owners, to place said financial charge or tax against said forest lands as may be determined by the report of such agents or the determination of said county commission.

Section 6. The tax herein imposed shall be due and payable to the state department of revenue, and shall, when collected, be paid by such Lawrence County Tax Collector to the Treasury of Lawrence County. All monies collected in accordance with this Act shall be spent in participating in the Alabama Forestry Commission's forest fire protection program in Lawrence County.

Section 7. The county commission of Lawrence County is

authorized to remove such financial charge or tax after said county commission has determined that the financial charge or tax is no longer needed. The county commission shall hold public hearings to determine whether or not the financial charge or tax is still needed. Procedures for such public hearings shall be the same as those in Section 3 of this Act.

Section 8. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-847

H. 1077—Rep. Adams (H)

To authorize the Cherokee County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Cherokee County is authorized, when the need exists, to provide protection against forest fires in Cherokee County by participating in the Alabama Forestry Commission's fire protection program in the manner hereinafter specified.

Section 2. (a) After the Cherokee County Commission has determined that such a need does exist in Cherokee County, the county commission may, in the manner hereinafter specified, provide for a financial charge or tax to be paid by the owners of forest lands located in Cherokee County for the use of the land for timber growing purposes amounting to the whole or any part of the cost of such fire protection program, but not in excess of ten cents per acre, provided such financial charge or tax is not greater than the benefit accruing to such forest lands due to the availability of such fire protection.

(b) "Forest lands" as used in this act, shall mean any land

which supports a forest growth, or which under prevailing natural and economic conditions may be expected to support such a growth in the future, or which is being used or reserved for any forest purpose. "Forest lands" as used in this act, shall not include any lands primarily used for residential purposes nor shall it include any publicly owned lands.

Section 3. The need for such a financial charge or tax to provide forest fire protection within the county shall be determined by the county commission after a public hearing is held thereon. Notice of such public hearing shall be given by the county commission for a period of two consecutive weeks by advertisement in a newspaper of general circulation in Cherokee County. Such advertisement must indicate the date, time, and place of the hearing, the manner proposed to finance such fire protection program, and the part of the cost of such program that is proposed to be paid by the owners of forest lands. Any person owning forest land in Cherokee County may appear in person or by attorney at such time and place and make defense against such financial charge or tax or the amount thereof. After such hearing the county commission shall determine whether or not a need exists for such a charge or tax; and if a need is found to exist for such financial charge or tax, the county commission shall determine the amount of such financial charge or tax and enter on the minutes of the county commission an order fixing such financial charge or tax.

Section 4. Any such financial charge or tax fixed as provided in the above section shall be payable at the same time and in the same manner as county taxes and the owners of the forest lands, as herein defined, shall make report of same to the tax assessor of Cherokee County at the time fixed by law for making return of the property of such property owner. Financial charges or taxes levied shall constitute a lien on the property against which they are charged or taxed.

Section 5. The county Commission of Cherokee County is authorized to appoint agents and delegate authority to individuals to search out forest lands in Cherokee County, determine the area and owners thereof, and report same to the Tax Assessor of Cherokee County who shall be authorized, after hearing before the county commission if so requested by such owners, to place said financial charge or tax against said forest lands as may be determined by the report of such agents or the determination of said county commission.

Section 6. All monies accruing to Cherokee County shall be placed in the general fund of the county and shall only be spent by the county commission in participating in the Alabama Forestry Commission's forest fire protection program in Cherokee County.

Section 7. The county commission of Cherokee County is

authorized to remove such financial charge or tax after said county commission has determined that the financial charge or tax is no longer needed. The county commission shall hold public hearings to determine whether or not the financial charge or tax is still needed. Procedures for such public hearing shall be the same as those in Section 3 of this act.

Section 8. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-848

H.J.R. 407—Reps. Penry, McMillan

HOUSE JOINT RESOLUTION

COMMENDING PERCY PEARSON FOR HIS ACHIEVEMENTS WHILE BEING ASSOCIATED WITH THE BOY SCOUTS OF AMERICA.

WHEREAS, Percy Pearson has been associated with the Boy Scouts of America for 43 years, seven years as a scout and 36 years as a scoutmaster or assistant scoutmaster; and

WHEREAS, Percy Pearson has attended many scouting functions both in the capacity of a scout and in the capacity of a scoutmaster, including a trip to Washington, the 1977 National Scout Jamboree and two trips to the High Adventure in Philmont, New Mexico; and

WHEREAS, he was the Scoutmaster of the Year in 1977 and earned the Wood Badge in April of 1977; and

WHEREAS, he has served as a leader in his community and has been elected to serve as the Robertsdale Civitan Club President and the Central Baldwin Chamber of Commerce, and was selected as the Silverhill Citizen of the Year in 1976; and

WHEREAS, Percy Pearson has led twenty scouts to the honor of Eagle Scout; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Percy Pearson for his leadership in the Boy Scouts of America.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Pearson in token of our appreciation and as evidence of our high praise and esteem.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-849

H.J.R. 408—Reps. Penry, McMillan

HOUSE JOINT RESOLUTION

HONORING LOIS WILLIAMS UPON HER RETIREMENT.

WHEREAS, Lois Williams has been employed by the Baldwin County Board of Education for twenty-six years and during all of this time she drove a school bus, and for twenty-two years she worked in the cafeterias of the Fairhope school, ten of these as manager; and

WHEREAS, during this long period of time, she was absent only two days, both of these days being taken this year to attend her grandchildren's weddings; and

WHEREAS, until eight years ago, she also owned and operated a dairy by herself, doing the milking and many other chores early in the morning and late in the evening after her bus route was finished; and

WHEREAS, during this long and dedicated period of service she has been an inspiration to all of those who observed her and came in contact with her; and

WHEREAS, the love and devotion she has shown to the people and children of Baldwin County will be long remembered and cherished; and

WHEREAS, her life has been an example for all to emulate; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do enact this

resolution to honor Lois Williams upon her retirement and for the many years of fine public service she has given during her lifetime.

BE IT FURTHER RESOLVED, That a copy of this resolution be delivered to Lois Williams as a token of the esteem in which she is held by this legislature and the people of Alabama.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-850

H. 411—Rep. Harper (T)

AN ACT

To amend section 9-12-82, Code of Alabama 1975, relating to oyster license fees, so as to provide for the increase of the commercial oyster tonging license fee; to define commercial versus noncommercial collection of oysters; to provide penalties for violations of this act, and to provide further for the distribution of the proceeds of the fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-12-82, Code of Alabama 1975, is hereby amended to read as follows:

“§ 9-12-82.

“(a) Before any person engages in the taking or catching of oysters from the waters or bottoms of the state of Alabama, he shall first purchase an annual ‘oyster catcher’ license. Said license shall expire annually on September 30 and shall be ten dollars (\$10.00) plus fifty cents (\$.50) issuance fee. However, persons may take for personal, noncommercial purposes, from waters opened by the Department of Public Health to commercial oystering, up to, but not more than, one-half barrel of oysters per day without purchasing an ‘oyster catcher’ license.

“(b) A violation of the provisions of this section shall be a Class C misdemeanor.

“(c) The proceeds from the sale of said license shall be deposited to the credit of the Marine Resources Fund and said licenses shall expire on September 30 of each year.”

Section 2. This act shall become effective October 1, 1981.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-851

H. 425—Reps. Adams (C), Raddick, Roberts

AN ACT

To prescribe the time within which a prosecution under the competitive bid laws must be commenced.

Be It Enacted by the Legislature of Alabama:

Section 1. A prosecution for any offense in violation of the competitive bid laws of Articles 2 and 3, Chapter 16, Title 41, Code of Alabama 1975, must be commenced within six years after the commission of the offense.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-852

H. 529—Rep. Cates

AN ACT

To amend Sections 5-2A-103 and 5-17-7, Code of Alabama 1975, which provide for the payment of operating expenses of the bureau of credit unions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5-2A-103, Code of Alabama 1975, is hereby amended to read as follows:

“§ 5-2A-103.

The expenses of operating the bureau of credit unions shall be paid out of such taxes, fees, assessments, penalties and other revenues collected by the bureau, and no taxes, fees, assessments, penalties or other revenues collected by the bureau of credit unions shall be used for any purposes other than the expenses of operating the bureau. Any excess monies shall be paid into the special fund in the Treasury created under the provisions of Section 5-17-7, whether such excess monies were collected prior to 1981 or collected thereafter.

Section 2. Section 5-17-7, Code of Alabama 1975, is hereby amended to read as follows:

“§ 5-2A-103.

(a) All credit unions examined by the bureau of credit unions shall pay examination fees, the exact amount of which shall be fixed from time to time by the supervisor of the bureau of credit unions, and in no event shall the maximum amount so fixed exceed the fee scales set out in this section:

Credit unions having total assets of less than \$25,000.00 as of the effective date of the examination shall pay a fee not in excess of \$.50 for each full \$100.00 of assets, subject to a minimum of \$25.00.

(2) Credit unions with assets of \$25,000.00 or more as of the effective date of the examination shall pay a fee of \$54.00 per examiner day, plus \$.08 per \$100.00 of assets up to and including \$500,000.00 plus three and one-half cents per \$100.00 of assets of \$500,000.00 but not in excess of \$1,000,000.00 plus two and one-half cents per \$100.00 of assets over \$1,000,000.00 but not in excess of \$5,000,000.00 plus \$.01 per \$100.00 on all assets over \$5,000,000.00 subject to a minimum charge of \$125.00.

(b) Whenever application is made to the supervisor of the bureau of credit unions for permission to organize a credit union, the applicant shall at the time of filing the certificate of organization with the supervisor of the bureau of credit unions pay a fee not to exceed \$50.00 for the purpose of paying the costs incidental to the determination by the supervisor of the bureau of credit unions whether such certificate of organization shall be approved. The supervisor of the bureau of credit unions shall from time to time fix the exact charge to be made, but in no event shall the charge exceed \$50.00. The provisions of this subsection shall not apply to any existing credit union seeking charter conversion.

(c) All fees collected under this section shall be paid into the special fund set up by the state treasurer. This special fund shall be used to pay the salaries of the officials and employees and the expenses of the bureau of credit unions, including the purchase of equipment, vehicles and supplies necessary for the examination and supervision of credit unions and may be spent by the supervisor of the bureau of credit unions for the uses and purposes specified herein. No taxes, fees, assessments, penalties or other revenues collected by the bureau of credit unions shall be used for any purpose other than the expenses of operating the bureau.

Section 3. This Act shall become effective immediately upon its passage and approval of the Governor, or upon its otherwise becoming a law and this Act shall apply to any fees heretofore or hereafter collected by the bureau of credit unions.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-853

H. 625—Rep. Harper (T)

AN ACT

To provide for a live bait shrimp dealers license; to regulate the taking and transporting of shrimp for live bait; to regulate the taking of shrimp for noncommercial purposes by persons other than dealers; to prescribe penalty for persons violating the provisions of this act; and to repeal . §9-12-48, 9-12-55 through 9-12-60 inclusive, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Before any person, firm, or corporation engages in taking, catching, transporting, or selling of live saltwater shrimp for commercial bait purposes, he must have in his possession a live bait shrimp dealers license. Said license shall be sold and issued by the department of conservation and natural resources to any live bait shrimp dealer upon payment of a fee of fifty dollars (\$50.00), which shall entitle him to sell live shrimp and operate one boat or truck, or one hundred dollars (\$100.00) for the right to sell live shrimp and operate two boats or two trucks. The department of conservation and natural resources shall not issue a live bait shrimp dealers license until the applicant has furnished to the commissioner of conservation and natural resources such information as the commissioner may prescribe showing that the applicant has the necessary equipment and facilities to properly keep shrimp alive for sale as bait. The commissioner, before the issuance of a license, shall cause an inspection of the applicant's gear and equipment, place of business and truck or vessel to ascertain if same meet the requirements for keeping bait shrimp alive. The live bait shrimp dealers license may be revoked at any time during the issuing year that an agent of the commissioner of conservation and natural resources finds that equipment, gear, truck, or vessel of the licensee no longer meets the minimum requirements for keeping shrimp alive for sale as bait. Any person who sells, exchanges, barter or attempts to sell, barter, exchange or otherwise dispose of live shrimp, shall be in violation of this act unless he first purchases the annual live bait shrimp dealers license.

Section 2. All licenses required herein shall expire on the 30th day of September of each year. All receipts shall be deposited to the marine resources fund. Nonresidents shall pay a license fee double that of citizens of the state of Alabama.

Section 3. Each live bait licensee shall furnish the marine resources division of the department of conservation and natural resources with the Alabama marine police registration number of the boat or boats and the tag number of the truck or trucks he designates to use as a licensee hereunder. A live bait licensee hereunder shall not substitute another boat or truck unless he gives a two-week written notice to the marine resources division of the department of conservation and natural resources of same. Each bait catcher boat shall contain the words "Live Bait" in letters at least six inches high on the port and starboard sides.

Section 4. Licensed live bait catcher boats may take or catch, or attempt to take or catch bait shrimp of any size in any waters of the state south of the mouth of the Mobile River and the Battleship Parkway not permanently closed to commercial shrimping. Such shrimp shall not be taken with any seine or trawl having a width greater than sixteen (16) feet as measured at the cork line. Shrimp can be sold only when alive or with heads attached. No holder of a live bait shrimp dealers license shall have on his boat more than fifteen (15) pounds of dead shrimp.

Section 5. Persons without a live bait shrimp dealers license can use trawls of sixteen (16) feet or less to catch or attempt to catch saltwater shrimp for bait or noncommercial purposes not to exceed twenty-five (25) pounds per person per day only at the same time and in the waters open to commercial shrimping.

Section 6. All rivers, bayous and creeks of the state are permanently closed to the taking of saltwater shrimp for any purpose. Terry Cove (Baldwin County) and Dauphin Island Bay (Mobile County) shall remain open to licensed and unlicensed live bait shrimping year around provided that said shrimping activity complies with all other statutes contained in this act and regulations promulgated by the commissioner of the department of conservation and natural resources concerning said shrimping activity.

Section 7. Violation of any of the provisions hereof by any person or persons shall be an offense against the state of Alabama, and violators shall, upon conviction, be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). Licenses of live bait dealers shall be revoked forthwith upon conviction of violations of this act. The department of conservation and natural resources shall not issue another license to such licensee, truck, boat, or place of business for a period of six (6) months after such conviction.

Section 8. Sections 9-12-48, 9-12-55 through 9-12-60 inclusive, Code of Alabama 1975, are hereby expressly repealed and all other

laws or parts of laws which conflict with the provisions of this act are hereby repealed.

Section 9. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. The provisions of this act shall become effective immediately upon the signature of the governor except licensing under provisions of the act shall become effective October 1, 1981.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-854

H. 1128—Rep. Sasser

AN ACT

Relating to Dale County; to amend Section 1 of Act No. 2038, Regular Session 1971 (Acts 1971, p. 3270), concerning the sale of alcoholic beverages in certain places, so as to further provide for the sale of such beverages, limiting the prohibition of sale outside certain municipalities to sale for on-premises consumption.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 2038, Regular Session 1971 (Act 1971, p. 3270), is hereby amended to read as follows:

“Section 1. It shall be unlawful for any person, firm or corporation to sell or offer for sale any spirituous or vinous beverages, or malt or brewed beverages for on-premises consumption in Dale County except within the corporate limits of a municipality incorporated in Dale County with a full time law enforcement agency and a population of not less than Five Hundred (500) according to the most recent decennial census. It shall further be unlawful for any person, firm or corporation to sell or offer for sale any alcohol, as defined in Act No. 66, H. 44, 1936-37 Extra Session, p. 40, for off-premises consumption, except within the corporate limits of a municipality incorporated with a full-time law enforcement agency and a population of not less than Five Hundred (500) according to the most recent decennial census.” The preceding sentence shall in no way prohibit the sale of any vinous beverage, wine, beer, or malt or brewed beverages for off-premises consumption anywhere within the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 9:00 A.M.

Act No. 81-855

H. 7—Rep. Campbell

AN ACT

To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the legislative council to be the committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this act; and repealing all laws that conflict with this Act.

Be It Enacted by the Legislature of Alabama:

§ 1. Short Title.

This act shall be known as and may be cited as the Alabama Administrative Procedure Act.

§ 2. Statement of purpose.

This act is intended to provide a minimum procedural code for the operation of all state agencies when they take action affecting the rights and duties of the public. Nothing in this act is meant to discourage agencies from adopting procedures conferring additional rights upon the public; and, save for express provisions of this act to the contrary, nothing in this act is meant to abrogate in whole or in part any statute prescribing procedural duties for an agency which are in addition to those provided herein.

The purposes of the Alabama Administrative Procedure Act are: to provide legislative oversight of powers and duties delegated to administrative agencies; to increase public accountability of administrative agencies; to simplify government by assuring a uniform minimum procedure to which all agencies will be held in the conduct of their most important functions; to increase public access to governmental information; to increase public participation in the formulation of administrative rules; to increase the fairness of agencies in their conduct of contested case proceedings; and to simplify the process of judicial review of agency action as well as increase its ease and availability. In accomplishing its objectives, the intention of this act is to strike a fair balance between these purposes and the need for efficient,

economical and effective government administration. The act is not meant to alter the substantive rights of any person or agency. Its impact is limited to procedural rights with the expectation that better substantive results will be achieved in the everyday conduct of state government by improving the process by which those results are attained.

Every state agency having express statutory authority to promulgate rules and regulations shall be governed by the provisions of this act and any additional provisions required by statute, and shall also have the authority to amend or repeal rules and regulations, and to prescribe methods and procedures required in connection therewith. Nothing in this act shall be construed as granting to any agency the authority to adopt or promulgate rules and regulations.

All agencies whose rules or administrative decisions are subject to approval by the Supreme Court and the department of insurance of the state of Alabama are exempted from the provisions of this Act.

§ 3. Definitions.

The following words and phrases when used in this act shall, for the purpose of this act, have meanings respectively ascribed to them in this section, except when the context otherwise requires.

(1) Agency. Every board, bureau, commission, department, officer, or other administrative office or unit of the state, other than the legislature and its agencies, the Water Improvement Commission, the Air Pollution Control Commission, the Division of Solid and Hazardous Waste of Alabama Department of Public Health and Alabama State Docks, or the courts or the Alabama public service commission or the state banking department, whose administrative procedures are governed by Section 5-2A-8 and 5-2A-9. The term shall not include boards of trustees of post-secondary institutions, counties, municipalities, or any agencies of such local government units, unless they are expressly made subject to this act by general or special law.

(2) Committee. The Joint Committee on Administrative Regulation review shall be the members of the Legislative Council.

(3) Contested case. A proceeding, including but not restricted to ratemaking, price fixing, and licensing, in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after an opportunity for hearing. Provided, however, that the term shall not include intra-agency personnel actions.

(4) License. The whole or part of any agency franchise, permit, certificate, approval, registration, charter or similar form of permission required by law, but not a license required solely for revenue purposes when issuance of the license is merely a ministerial act.

(5) **Licensing.** The agency proceeds respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license or imposition of terms for the exercise of a license.

(6) **Party.** Each person or agency named or admitted as a party or properly seeking and entitled as a matter of right (whether established by constitution, statute or agency regulation or otherwise) to be admitted as a party, or admitted as an intervenor under Section 14 of this act. An agency may by rule authorize limited forms of participation in agency proceedings for persons who are not eligible to become parties.

(7) **Person.** Any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

(8) **Quorum.** No less than a majority of the members of a multi-member agency shall constitute a quorum authorized to act in the name of the agency, unless provided otherwise by statute.

(9) **Rule.** Each agency regulation, standard or statement of general applicability that implements, interprets, or prescribes law or policy, or that describes the organization, procedure, or practice requirements of any agency and includes any form which imposes any requirements or solicits any information not specifically required by statute or by an existing rule. The term includes the amendment or repeal of all existing rules but does not include the following:

(a) Statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public;

(b) Declaratory rulings issued pursuant to § 11 hereof;

(c) Intergovernmental, interagency, and intra-agency memoranda, directives, manuals or other communications which do not substantially affect the legal rights of, or procedures available to, the public or any segment thereof;

(d) Determinations, decisions, orders, statements of policy and interpretations that are made in contested cases;

(e) An order which is directed to a specifically named person or to a group of specifically named persons which does not constitute a general class, and the order is served on the person or persons to whom it is directed by the appropriate means applicable thereto; the fact that the named person who is being regulated serves a group of unnamed persons who will be affected does not make such order a rule;

(f) An order which applies to a specifically described tract of real estate;

(g) Any rules or actions relating to:

(i) the conduct of inmates of public institutions;

(ii) the curriculum of public educational institutions or the admission, conduct, discipline, or graduation of students of such institutions, provided, however, that this exception shall not extend to rules or actions of the State Department of Education;

(iii) opinions issued by the Attorney General of the State of Alabama;

(iv) the conduct of commissioned officers, warrant officers and enlisted persons in the military service.

(v) advisory opinions issued by Alabama Ethics Commission.

§ 4. Public information; adoption of rules, public inspection; availability of rules and orders; sanction.

(1) In addition to the other rule-making requirements imposed by law, each agency shall:

(a) adopt as a rule a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests;

(b) adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the agency;

(c) make available for public inspection and copying, at cost, all rules and all other written statements of policy or interpretations formulated, adopted or used by the agency in the discharge of its functions;

(d) make available for public inspection and copying, at cost, and index by name and subject all final orders, decisions, and opinions which are issued after the effective date of this act except those expressly made confidential or privileged by statute or order of court.

(2) No agency rule, order, or decision shall be valid or effective against any person or party nor may it be invoked by the agency for any purpose until it has been made available for public inspection and indexed as required by this section and the agency has given all notices required by section 5 hereof. This provision is not applicable in favor of any person or party who has actual knowledge thereof and the burden of proving such knowledge shall be on the agency.

§ 5. Procedure for adoption of rules.

(1) Prior to the adoption, amendment, or repeal of any rule, the agency shall:

(a) give at least thirty-five days' notice of its intended action. Date of Publication in the Alabama Administrative Monthly shall constitute the date of notice. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon. The notice shall be given to the Chairman of the Legislative Committee as provided in Section 23 and mailed to all persons who pay the cost of such mailing and who have made timely request of the agency for advance notice of its rule-making proceedings and shall be published, prior to any action thereon, in the Alabama Administrative Monthly. A complete copy of the proposed rule shall be filed with the secretary of the agency and the Legislative Reference Service.

(b) afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if conflicting views are submitted on the proposed rule, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling any considerations urged against its adoption.

(2) Emergency rules. Notwithstanding any other provision of this act to the contrary, if an agency finds that an immediate danger to the public health, safety, or welfare requires adoption of a rule upon fewer than thirty-five days' notice or that action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than thirty-five days notice and state in writing its reasons for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule. The rule shall become effective immediately, unless otherwise stated therein, upon the filing of the rule and a copy of the written statement of the reasons therefor with the Legislative Reference Service and the secretary of the agency. The rule may be effective for a period of not longer than one hundred twenty days and shall not be renewable. An agency shall not adopt the same or a substantially similar emergency rule within one calendar year from its first adoption unless the agency clearly establishes it could not reasonably be foreseen during the initial one hundred twenty day period that such emergency would continue or would likely reoccur during the next nine months. The adoption of the same

or a substantially similar rule by normal rule-making procedures is not precluded.

(3) It is the intent of this section to establish basic minimum procedural requirements for the adoption, amendment or repeal of administrative rules. Except for emergency rules which are provided for in subsection (2), the provisions of this section are applicable to the exercise of any rule-making authority conferred by any statute, but nothing in this section repeals or diminishes additional requirements imposed by law or diminishes or repeals any summary power granted by law to the State or any agency thereof.

(4) No rule hereafter adopted is valid unless adopted in substantial compliance with this section. A proceeding to contest any rule on the ground of non-compliance with the procedural requirements of this section must be commenced within two years from the effective date of the rule; provided, however, that a proceeding to contest a rule based on failure to provide notice as herein required may be commenced at any time.

§ 6. Filing and taking effect of rules.

(1) Each agency shall have an officer designated as its Secretary and shall file in the office of the secretary of the agency a certified copy of each rule adopted by it, including all rules as defined in this act existing on the effective date of this act. Each rule or regulation promulgated, whether the original or a revision, and all copies thereof, shall have the name or names, of the author or authors, respectively, on its face. The Secretary of the agency shall keep a permanent register of the rules open to public inspection.

(2) The secretary of each agency shall file in the Office of the Legislative Reference Service, no later than fifteen days after the filing with the secretary of the agency, in a form and manner prescribed by the Legislative Reference Service a certified copy of each rule adopted by it, including all rules as defined in this act existing on the effective date of this act. The Legislative Reference Service shall keep a permanent register of the rules open to public inspection.

(3) Each rule hereafter adopted is effective thirty-five days after filing with the Legislative Reference Service, except that:

(a) if a later date is required by statute or specified in the rule, the later date is the effective date;

(b) subject to applicable constitutional or statutory provisions, a rule becomes effective immediately upon filing with the Legislative Reference Service, or at a subsequent stated date prior to indexing and publication, or at a stated date less than thirty-five days after filing, if the agency finds:

(i) that a statute so provides; or

(ii) that this effective date is necessary because of immediate danger to the public health, safety or welfare. In any subsequent action contesting the effective date of a rule promulgated under this subparagraph (ii), the burden of proof shall be on the agency to justify its finding. The agency's finding and a brief statement of the reasons therefor shall be filed with and made a part of the rule. Prior to indexing and publication, the agency shall make reasonable efforts to apprise the persons who may be affected by its rules of the adoption of rules made effective under the terms of this subparagraph.

§ 7. Publication of rules.

(1) The Secretary of the agency shall establish and maintain an official register of regulations which shall be compiled, indexed, published in loose-leaf form, and kept up to date by the Secretary of the agency. This register of regulations shall be known as "The (name of the agency) Administrative Code," and it shall be made available, upon request, at cost to all persons for copying and inspection and to those persons who subscribe thereto. Supplementation shall be made as often as is practicable, but at least once every year. The secretary of the agency shall number and renumber rules to conform with a uniform numbering system devised by the Legislative Reference Service.

(2) The secretary of the agency may omit from its administrative code rules that are general in form but are applicable to only one county or a part thereof. Rules so omitted shall be filed with the secretary of the agency, and exclusion from publication shall not affect their validity or effectiveness. The secretary of the agency shall publish a compilation of, and index to, all rules so omitted at least annually.

(3) The secretary of the agency shall make copies of the agency's administrative code available on an annual subscription basis, at cost.

(4) The secretary of the agency shall file with the Legislative Reference Service, not later than fifteen days after filing with the secretary of the agency, all rules or amendments or repeal of rules promulgated by the agency. In addition, the Secretary of the Alabama public service commission, the Water Improvement Commission, the Air Pollution Control Commission, the Division of Solid and Hazardous Waste of Alabama Department of Public Health and Alabama State Docks, shall file with the Legislative Reference Service, not later than fifteen days after filing with the secretary of the commission, all rules or amendments or repeal of rules promulgated by that commission.

(5) The Legislative Reference Service shall establish and maintain an official register of regulations which shall be so compiled, indexed, published in loose-leaf form and kept up to date by the Legislative Reference Service. The register of regulations shall be known as the "Alabama Administrative Code," and shall be made available at cost, upon request, to all persons for inspection and copying or who subscribe thereto. Supplementation shall be made as often as is practicable, but at least once every year. The Legislative Reference Service shall devise a uniform numbering system for rules and may renumber rules before publication to conform with the system.

(6) The Legislative Reference Service shall publish a monthly bulletin entitled the "Alabama Administrative Monthly", which shall contain a statement of either the terms or substance of all rules filed during the preceding month, excluding rules in effect upon the adoption of this act, together with other material required by law and such other material the agency or committee determines to be of general interest.

(7) The Legislative Reference Service may omit from the Alabama Administrative Monthly and the Alabama Administrative Code rules that are general in form but are applicable to only one county or a part thereof. Rules so omitted shall be filed with the Legislative Reference Service, and exclusion from publication shall not affect their validity or effectiveness. The Legislative Reference Service shall publish a compilation of, and index to, all rules so omitted at least annually.

(8) The Legislative Reference Service shall make copies of the Alabama Administrative Code and copies of the Alabama Administrative Monthly available at cost on an annual subscription basis.

(9) The Legislative Reference Service shall charge each agency using the Alabama Administrative Monthly a space rate computed to cover all publishing or printing costs related to the Alabama Administrative Monthly.

§ 8. Petition for adoption of rules.

Each agency shall prescribe by rule the form for petition requesting the adoption, amendment or repeal of a rule and the procedure for submission, consideration, and disposition thereof. Within sixty days after submission of a petition, the agency either shall deny the petition in writing on the merits, stating its reasons for the denial, or initiate rule-making proceedings in accordance with Section 5.

§ 9. Adoption by reference.

An agency may adopt, by reference in its rules and without publishing the adopted matter in full, all or any part of a code, standard

or regulation which has been adopted by any other agency of this state or any agency of the United States or by a generally recognized organization or association approved by the Joint Committee Administrative Regulation Review. The reference shall fully identify the adopted matter by date and otherwise. The agency shall have available copies of the adopted matter for inspection and the rules shall state where copies of the adopted matter can be obtained and any charge therefor as of the time the rule is adopted.

§ 10. Declaratory judgment on validity or applicability of rules.

The validity or applicability of a rule may be determined in an action for a declaratory judgment, or its enforcement stayed by injunctive relief, in the circuit court of Montgomery County, unless otherwise specifically provided by statute, if the court finds that the rule, or its threatened application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff. The agency shall be made a party to the action. In passing on such rules the court shall declare the rule invalid only if it finds that it violates constitutional provisions or exceeds the statutory authority of the agency or was adopted without substantial compliance with rule-making procedures provided for in this act.

§ 11. Declaratory rulings by agencies.

On the petition of any person substantially affected by a rule, an agency may issue a declaratory ruling with respect to the validity of the rule or with respect to the applicability to any person, property or state of facts of any rule or statute enforceable by it or with respect to the meaning and scope of any order of the agency. The petition seeking an administrative determination under this section shall be in writing and shall state with particularity facts sufficient to show the person seeking relief is substantially affected by the rule. Each agency shall prescribe by rule the form of such petitions and the procedure for their submission, consideration and disposition, and shall prescribe in its rules the circumstances in which rulings shall or shall not be issued. A declaratory ruling is binding on the agency and the person requesting it unless it is altered or set aside by a court in a proper proceeding. Such rulings are subject to review in the circuit court of Montgomery County, unless otherwise specifically provided by the statute, in the manner hereinafter provided for the review of decisions in contested cases. Failure of the agency to issue a declaratory ruling on the merits within forty-five days of the request for such ruling shall constitute a denial of the request as well as a denial of the merits of the request and shall be subject to judicial review.

§ 12. Contested cases; notice; hearing; records.

- (1) In a contested case, all parties shall be afforded an opportu-

nity for hearing after reasonable notice in writing delivered either by personal service as in civil actions or by certified mail return receipt requested. However, an agency may provide by rule for the delivery of such notice by other means. Delivery of the notice referred to in this subsection shall constitute commencement of the contested case proceeding.

(2) The notice shall include:

(a) A statement of the time, place and nature of the hearing.

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held.

(c) A reference to the particular sections of the statutes and rules involved.

(d) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.

(3) If a party fails to appear in a contested case proceeding after proper service of notice, the presiding officer may, if no adjournment is granted, proceed with the hearing and make a decision in the absence of the party.

(4) Opportunity shall be afforded all parties to respond and present evidence and argument on all material issues involved and to be represented by counsel at their own expense.

(5) Unless precluded by statute, informal dispositions may be made of any contested case by stipulation, agreed settlement, consent order or default or by another method agreed upon by the parties in writing.

(6) The record in a contested case shall include:

(a) All pleadings, motions, and intermediate rulings.

(b) All evidence received or considered and all other submission; provided, in the event that evidence in any proceeding may contain proprietary and confidential information, steps shall be taken to prevent public disclosure of that information.

(c) A statement of all matters officially noticed.

(d) All questions and offers of proof, objections and rulings thereon.

(e) All proposed findings and exceptions.

(f) Any decision, opinion or report by the hearing officer at the hearing.

(g) All staff memoranda or data submitted to the hearing officer or members of the agency in connection with their consideration of the case unless such memoranda or data is protected as confidential or privileged; provided, if such memoranda or data contains information of a proprietary and confidential nature, it shall be protected by the agency from public disclosure.

(7) Oral proceedings shall be open to the public, unless private hearings are otherwise authorized by law. Oral proceedings shall be recorded either by mechanized means or by qualified shorthand reporters. Oral proceedings or any part thereof shall be transcribed at the request of any party with the expense of the transcription charged to the requesting party. The recording or stenographic notes of oral proceedings or the transcription thereof shall be filed with and maintained by the agency for at least five years from the date of decision, and shall be made available for inspection by the public except in those cases where private hearings are authorized by law, or where the proceedings shall be ordered sealed by order of court, or are required to be sealed by statute. (8) Findings of fact shall be based solely on the evidence in the record and on matters officially noticed in the record.

§ 13. Rules of evidence; officially noticed facts.

In contested cases:

(1) The rules of evidence as applied in non-jury civil cases in the circuit courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Whenever any evidence is excluded as inadmissible, all such evidence existing in written form shall remain a part of the record as an offer of proof. The party seeking the admission of oral testimony may make an offer of proof by means of a brief statement on the record describing the testimony excluded. All rulings on the admissibility of evidence shall be final and shall appear in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received or may be required to be submitted in verified form; provided, the adversary party shall not be denied the right of cross examination of the witness. The testimony of parties and witnesses shall be made under oath.

(2) Documentary evidence otherwise admissible may be received in the form of copies or excerpts, or by incorporation by reference to material already on file with the agency. Upon request, parties shall be given an opportunity to compare the copy with the original.

(3) A party may conduct cross-examination required for a full and true disclosure of the facts, except as may otherwise be limited by law.

(4) Official notice may be taken of all facts of which judicial notice may be taken and of other scientific and technical facts within the specialized knowledge of the agency. Parties shall be notified at the earliest practicable time, either before or during the hearing, or by reference in preliminary reports, preliminary decisions or otherwise, of the facts proposed to be noticed and their sources, including any staff memoranda or data, and the parties shall be afforded an opportunity to contest such facts before the decision is announced unless the agency determines as part of the record or decision that fairness to the parties does not require an opportunity to contest such facts.

(5) The experience, technical competence, and specialized knowledge of the agency may be utilized in the evaluation of the evidence.

§ 14. Intervention.

In contested cases:

(1) Upon timely application any person shall be permitted to intervene: (a) when a statute confers an unconditional right to intervene; or (b) when the applicant has an individual interest in the outcome of the case as distinguished from a public interest and the representation of the interest of the applicant is inadequate.

§ 15. Proposed orders; final decisions; examination of evidence.

In a contested case, a majority of the officials of the agency who are to render the final order must be in accord for the decision of the agency to be a final decision. If any official of the agency who is to participate in the final decision has not heard the case or read the record, and his vote would affect the final decision, the final decision shall not be made until a proposed order is prepared and an opportunity is afforded to each party adversely affected by the proposed order to file exceptions and present briefs and oral argument to the official not having heard the case or read the record. The proposed order shall contain a statement of the reasons therefor and of each issue of fact or law necessary to the proposed decision prepared by the person who conducted the hearing or one who read the record. The proposed order shall become the final decision of the agency

without further proceedings unless there are exceptions filed or an appeal to the agency within the time provided by rule. The parties by written stipulation may waive compliance with this section.

§ 16. Final decisions and orders.

(1) The final order in a proceeding which affects substantial interests shall be in writing and made a part of the record and include findings of fact and conclusions of law separately stated, and it shall be rendered within thirty days:

(a) After the hearing is concluded, if conducted by the agency;

(b) After a recommended order, or findings and conclusions are submitted to the agency and mailed to all parties, if the hearing is conducted by a hearing officer; or,

(c) After the agency has received the written and oral material it has authorized to be submitted, if there has been no hearing. The thirty day period may be waived or extended with the consent of all parties and may be extended by law with reference to specific agencies.

(2) Findings of fact, if set forth in a manner which is no more than mere tracking of the statutory language, shall be accompanied by a concise and explicit statement of the underlying facts of record which support the findings. If, in accordance with agency rules, a party submitted proposed findings of fact or filed any written application or other request in connection with the proceeding, the order shall include a ruling upon each proposed finding and a brief statement of the grounds for denying the application or request.

(3) If an agency head finds that an immediate danger to the public health, safety, or welfare requires an immediate final order, it shall recite with particularity the facts underlying such findings in the final order, which shall be appealable or enjoinable from the date rendered.

(4) Parties shall be notified either personally or by certified mail return receipt requested of any order, and, unless waived, a copy of the final order shall be so delivered or mailed to each party or to his attorney of record.

§ 17. Application for rehearing.

(1) Any party to a contested case who deems himself aggrieved by a final order and who desires to have the same modified or set aside may within fifteen days after entry of said order file an application for rehearing which shall specify in detail the grounds for the relief sought therein and authorities in support thereof.

(2) The filing of such an application for rehearing shall not

extend, modify, suspend or delay the effective date of the order, and said order shall take effect on the date fixed by the agency and shall continue in effect unless and until said application shall be granted or until said order shall be superseded, modified, or set aside in a manner provided by law.

(3) Such application for rehearing will lie only if the final order is:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) in violation of an agency rule;
- (d) made upon unlawful procedure;
- (e) affected by other error of law;
- (f) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (g) unreasonable, arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

(4) Copies of such application for rehearing shall be served on all parties of record, who may file replies thereto.

(5) Within 30 days from the filing of an application the agency may in its discretion enter an order:

- (a) setting a hearing on the application for a rehearing which shall be heard as soon as practicable; or,
- (b) with reference to the application without a hearing; or,
- (c) grant or deny the application.

If the agency enters no order whatsoever regarding the application within the thirty day period, the application shall be deemed to have been denied as of the expiration of the 30 day period.

§ 18. Separation of functions.

(1) No individual who participates in the making of any proposed order or final decision in a contested case shall have prosecuted or represented a party in connection with that case, the specific controversy underlying that case, or another pending factually related contested case, or pending factually related controversy that may culminate in a contested case involving the same parties. Nor shall any such individual be subject to the authority, direction or discretion of any person who has prosecuted or advocated in connection with that contested case, the specific controversy underlying that contested

case, or a pending factually related contested case or controversy, involving the same parties.

(2) A party to a contested case proceeding may file a timely and sufficient affidavit asserting disqualification according to the provisions of subsection (1), or asserting personal bias of an individual participating in the making of any proposed order or final decision in that case. The agency shall determine the matter as part of the record in the case. When an agency in these circumstances makes such a determination with respect to an agency member, that determination shall be subject to de novo judicial review in any subsequent review proceeding of the case.

§ 19. Proceedings affecting licenses.

(1) The provisions of this act concerning contested cases shall apply to the grant, denial, revocation, suspension, or renewal of a license.

(2) When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

(3) No revocation, suspension, or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency gave notice by certified mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license.

(4) If the agency finds that danger to the public health, safety, or welfare requires emergency suspension of a license and states in writing its reasons for that finding, it may proceed without hearing or upon any abbreviated hearing that it finds practicable to suspend the license. The suspension shall become effective immediately, unless otherwise stated therein. The suspension may be effective for a period of not longer than one hundred twenty days and shall not be renewable. An agency shall not suspend the same license for the same or a substantially similar emergency within one calendar year from its first suspension unless the agency clearly establishes that it could not reasonably be foreseen during the initial one hundred twenty day period that such emergency would continue or would likely reoccur during the next nine months. When such summary suspension is ordered, a formal suspension or revocation proceeding under subsection (3) of this section shall also be promptly instituted and acted upon.

§ 20. Judicial review of contested cases.

(1) A person who has exhausted all administrative remedies available within the agency (other than rehearing) and who is aggrieved by a final decision in a contested case is entitled to judicial review under this act. A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy.

(2) Except in matters for which judicial review is otherwise provided for by law, all proceedings for review shall be instituted by filing of notice of appeal or review and, where required by statute, a cost bond, with the agency. A petition shall be filed in the circuit court of the county in which the agency maintains its headquarters, or unless otherwise specifically provided by statute, where a party (other than an intervenor) resides or if a party (other than a intervenor), is a corporation, domestic or foreign, having a registered office of business office in this state, then in the county of such registered office or principal place of business within this state.

(3) The filing of the notice of appeal or the petition does not itself stay enforcement of the agency decision. If the agency decision has the effect of suspending or revoking a license, a stay or supersedeas shall be granted as a matter of right upon such conditions as are reasonable, unless the reviewing court, upon petition of the agency, determines that a stay or supersedeas would constitute a probable danger to the public health, safety, or welfare. In all other cases, the agency may grant, or the reviewing court may order, a stay upon appropriate terms, but, in any event, the order shall specify the conditions upon which the stay or supersedeas is granted; provided, however, if the appeal or proceedings for review to any reviewing court is from an order of the agency increasing, or reducing or refusing to increase, rates, fares or charges, or any of them, or any schedule or parts of any schedule of such rates, fares or charges, the reviewing court shall not direct or order a supersedeas or stay of the action or order to be reviewed without requiring, as a condition precedent to the granting of such supersedeas, that the party applying for supersedeas or stay shall execute and file with the clerk of said court a bond as provided for and required by statute or law. If the circuit court shall fail or refuse to grant supersedeas or stay, the party seeking such relief may petition the Court of Civil Appeals or the Supreme Court to order a supersedeas or stay of the action or order of the agency from which review is sought. After the required bond shall have been filed and approved by the clerk, such agency order shall be stayed and superseded, and it shall be lawful to charge the rates, fares or charges which have been reduced, refused or denied by said agency order, until the final disposition of the cause. The provisions of this subsection shall apply when applicable, anything in Rule 60 of the

Alabama Rules of Civil Procedure restricting the provisions of this subsection to the contrary notwithstanding.

(4) The notice of appeal or review shall be filed within thirty days after the receipt of the notice of or other service of the final decision of the agency upon the petitioner, or, if a rehearing is requested under section 17, within thirty days after the decision thereon. The petition for judicial review in the circuit court shall be filed within thirty days after the filing of the notice of appeal or review. Copies of the petition shall be served upon the agency and all parties of record after the petition is filed with the court. Any party to the agency proceeding may become a party to the review proceedings by notifying the court within thirty days after receipt of the copy of the petition. Any person aggrieved may petition to become a party by filing a motion to intervene as provided in section 14 of this act. Failure to file such petition within the time stated shall operate as a waiver of the right of such person to review under this act, except that for good cause shown, the judge of the reviewing court may extend the time for filing not to exceed an additional thirty days or, within 4 months after the issuance of the agency order, issue an order permitting a review of the agency decision under this act notwithstanding such waiver.

(5) If there has been no hearing prior to agency action and the reviewing court finds that the validity of the action depends upon disputed facts, the court shall order the agency to conduct a prompt fact-finding proceeding under this act after having a reasonable opportunity to reconsider its determination on the record of the proceedings.

(6) Unreasonable delay on the part of an agency in reaching a final decision shall be justification for any person whose rights, duties, or privileges are adversely affected by such delay to seek a court order compelling action by the agency.

(7) Within thirty days after receipt of the notice of appeal, or within such additional time as the court may allow, the agency shall transmit to the reviewing court the original or a certified copy of the entire record and transcript of the proceedings under review. With the permission of the court, the record of the proceedings under review may be shortened by stipulation of all parties to the review proceedings. Any party found by the reviewing court to have unreasonably refused to stipulate to limit the record may be taxed by the court for such additional costs as may be occasioned by the refusal. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

(8) The petition for review shall name the agency as respondent and shall contain a concise statement of:

(a) The nature of the agency action which is the subject of the petition.

(b) The particular agency action appealed from.

(c) The facts and law on which jurisdiction and venue are based.

(d) The grounds on which relief is sought.

(e) The relief sought.

(9) In proceedings for judicial review of agency action in a contested case, however, a reviewing court shall not itself hear or accept any further evidence with respect to those issues of fact whose determination was entrusted by law to the agency in that contested case proceeding; provided, however, that evidence may be introduced in the reviewing court as to fraud or misconduct of some person engaged in the administration of the agency or procedural irregularities before the agency not shown in the record and the affecting order, ruling or award from which review is sought, proof thereon may be taken in the reviewing court. If, before the date set for hearing a petition for judicial review of agency action in a contested case, it is shown to the satisfaction of the court that additional evidence is material and that there were good reasons for failure to present it in the contested case proceeding before the agency the court may remand to the agency and order that the additional evidence be taken before the agency upon conditions determined by the court. The agency may modify its findings and decision in the case by reason of the additional evidence and shall file that evidence and any modification, new findings, or decision with the reviewing court and mail copies of the new findings or decision to all parties.

(10) The review shall be conducted by the court without a jury and shall in the review of contested cases be confined to the record and such additions thereto as may be made under subsection (9) of this section. The court, upon request, shall hear oral argument and receive written briefs.

(11) The agency order shall be taken as prima facie just and reasonable and the court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact, except where otherwise authorized by statute. The court may affirm the agency action or remand the case to the agency for taking additional testimony and evidence or for further proceedings. The court may reverse or modify the decision or grant other appropriate relief from the agency action, equitable or legal and including declaratory relief, if the court finds that the agency action is due to be set aside or modified under standards set forth in appeal or review statutes applicable to that agency, or where no such statutory standards for

judicial review are applicable to the agency, if substantial rights of the petitioner have been prejudiced because the agency action is:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) in violation of any pertinent agency rule;
- (d) made upon unlawful procedure;
- (e) affected by other error of law;
- (f) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (g) unreasonable, arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

(12) Unless the court affirms the decision of the agency, the court shall set out in writing, which writing shall become a part of the record, the reasons for its decision.

§ 21. Appeals.

An aggrieved party may obtain a review of any final judgment of the circuit court under section 20 of this act by appeal to the Court of Civil Appeals, except as provided by statute which authorizes an appeal to the Supreme Court. The appeal shall be taken as in other civil cases, although the appeal may be taken regardless of the amount involved.

§ 22. Joint Committee on Administrative Regulation Review.

(1) There shall be a joint standing legislative committee known as the Joint Committee on Administrative Regulation Review, to review all agency rules. The committee shall consist of the members of the Legislative Council, and shall meet on the call of the chairman. The chairman shall be authorized to name subcommittees to meet and review agency rules and report to the full committee. Members of the committee shall receive the same compensation, expenses and transportation allowances for meetings as they receive for attendance at meetings of the legislative council. All such compensation and expenses authorized by the provisions of this section shall be paid from funds appropriated to the use of the legislative council.

(2) The Committee shall:

(a) Maintain a continuous review of the statutory authority on which each administrative rule is based, and whenever such authority is eliminated or significantly changed by repeal, amendment, or other factor, advise the agency concerned of the fact.

(b) Review administrative rules and advise the agencies concerned of its findings.

(c) Have the further duties prescribed in Section 23.

(d) The committee shall determine and report annually to the Legislature the total cost to the State allocated to the implementation of this act.

§ 23. Committee Review of Proposed Rules.

(1) The notice required by Section 5(1) (a) of this act shall be given, in addition to the persons there named, to the chairman of the legislative committee. The agency shall furnish the committee with ten copies of the proposed rule or rules, and no rule, except an emergency rule issued pursuant to Section 5(2) of this act, shall be effective until these copies are so furnished. Any member of the Senate and House of Representatives who requests a copy of proposed agency rules from the chairman of the Joint Committee on Administrative Regulation Review shall be provided a copy and the agency proposing rules shall furnish additional copies of the proposed rule or rules immediately. The form of the proposed rule presented to the committee shall be as follows: New language shall be underlined and language to be deleted shall be typed and lined through.

The committee shall study all proposed rules and, in its discretion, may hold public hearings thereon. In the event the committee fails to give notice to the agency of either its approval or disapproval of the proposed rule within sixty days after its presentation to the committee, the committee shall be deemed to have approved the proposed regulation for the purposes of this section. In the event the committee disapproves a proposed rule or any part thereof, it shall give notice of such disapproval to the agency. Any disapproved rule shall be suspended until the adjournment of the next regular session of the legislature following the date of disapproval and suspension of Committee or until the legislature shall, by joint resolution, revoke the suspension of the committee. The rule shall be reinstated on the adjournment of said legislative session in the event the legislature by joint resolution, fails to sustain the disapproval and suspension of the committee.

(2) The committee may propose an amendment to any proposed rule and may disapprove the proposed rule and return it to the agency with the suggested amendment. In the event the agency accepts the rule as amended, the agency may resubmit the rule as amended to the committee. In the event the agency does not accept the amendment, the proposed amended rule shall be submitted to the Legislature as disapproved as provided in Section 24.

(3) An agency may withdraw a proposed rule by leave of the committee. An agency may resubmit a rule so withdrawn or returned under this section with minor modification. Such a rule is a new filing and subject to this section but is not subject to further notice as provided in Section 5(1).

(4) The committee is authorized to review and approve or disapprove any rule adopted prior to the effective date of this act.

(5) In determining whether to approve or disapprove proposed rules, the committee shall consider the following criteria:

(a) Would the absence of the rule or rules significantly harm or endanger the public health, safety, or welfare?

(b) Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?

(c) Is there another, less restrictive method of regulation available that could adequately protect the public?

(d) Does the rule or do the rules have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?

(e) Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the rule or rules?

(f) Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?

(g) Any other criteria the committee may deem appropriate.

§ 24. Submission or disapproved rules to the Legislature.

On the first day of each regular session of the Alabama Legislature the chairman of the committee shall submit copies of all proposed regulations that have been disapproved by the committee under Section 23 of this act to each member of both Houses of the Legislature for their study. Such rules shall be referred by the Speaker of the House or the Lieutenant Governor or both to an appropriate committee or committees, other than the Joint Committee on Administrative Regulation Review, for consideration, and such committee or committees shall schedule hearings thereon, if requested by an effected party or the submitting agency. The Legislature may, by joint resolution, sustain the disapproval of the committee under Section 23. In the event the legislature fails to sustain such committee disapproval by the adjournment of the next regular session of the legislature, the rule shall be reinstated.

§ 25. Construction.

The Alabama Administrative Procedure Act shall be construed broadly to effectuate its purposes. Except as expressly provided otherwise by this act or by another statute referring to this act by name, the rights created and the requirements imposed by this act shall be in addition to those created or imposed by every other statute in existence on the date of the passage of this act or thereafter enacted. If any other statute in existence on the date of the passage of this act or thereafter enacted diminishes any right conferred upon a person by this act or diminishes any requirement imposed upon an agency by this act, this act shall take precedence unless the other statute expressly provides that it shall take precedence over all or some specified portion of this named act. Except as to proceedings in process on that date which shall be October 1, 1983, this act shall be construed to apply to all covered agency proceedings and all agency action not expressly exempted by this act or by another statute specifically referring to this act by name.

§ 26. Repeal of Inconsistent Laws.

It is the express intent of the legislature to replace all provisions in statutes of this state relating to rule-making, agency orders, administrative adjudication, or judicial review thereof that are inconsistent with the provisions of this act. Therefore, all laws or parts of laws that conflict with this act are hereby repealed on the effective date of this act. Provided, however, nothing herein contained shall be construed to repeal or modify Act No. 79-277, Acts of Alabama 1979, authorizing the water improvement commission as the state water pollution control agency to issue "one stop permits" for the state for all purposes of the federal Water Pollution Control Act, as amended.

§ 27. Time of Taking Effect.

(1) This act shall take effect at 12:01 a.m., October 1, 1982, provided, however, that section 22 of this act shall take effect October 1, 1981. In order that the Legislative Reference Service may appoint and hire an aid to receive the rules and in order to promulgate the Alabama Administrative Code and the Alabama Administrative Monthly as soon as possible, sections 6(1), 6(2), 7(1), 7(2), 7(3), 7(4) and 7(5) shall also become effective October 1, 1981. It shall be the duty of all agencies created thereafter to cooperate with the office of the Legislative Reference Service in compiling the Alabama Administrative Code and the Alabama Administrative Monthly by submitting to the committee all rules now and hereafter in effect, and all proposed rules.

(2) All existing rules shall be indexed by October 1, 1983, and the administrative code of each agency shall be completed and up-to-

date at that time and the Alabama Administrative Code shall be completed and up-to-date by November 15, 1983.

(3) Any rule in effect before 12:01 a.m., October 1, 1983, except those adopted following a public hearing that was required by statute, shall forthwith be reviewed by the agency concerned on the written request of a person substantially affected by the rule involved. The agency concerned shall initiate the rule-making procedures provided by this act within ninety days after receiving such written request. If the agency concerned fails to initiate the rule-making procedures within ninety days, the operation of the rule shall be suspended. The right of review established by this subsection shall be exercisable no earlier than October 1, 1983.

(4) All rules in effect on the passage of this act and in effect October 1, 1983, shall be valid if validly adopted under procedures prior to those provided by this act; and such rules shall be indexed and published in the administrative code of each agency; provided, however, that in the case of rules not adopted following a public hearing expressly required or permitted by statute, such rules shall be invalid and of no effect on October 1, 1983, unless the agency shall have adopted or readopted said rules pursuant to the requirements of this act.

(5) All contested cases and other adjudicative proceedings conducted pursuant to any provision of the statutes of this state that were begun prior to October 1, 1983, shall be continued to a conclusion, including judicial review, under the provisions of such statutes, except that contested cases and other adjudicative proceedings that have not progressed to the stage of a hearing may, with the consent of all parties and the agency conducting the proceedings, be conducted in accordance with the provisions of this act as nearly as feasible.

§ 28. Severability.

If the provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and for this purpose the provisions of this act are severable.

Approved May 27, 1981

Time: 9:00 A.M.

HOUSE JOINT RESOLUTION

RECREATING A JOINT INTERIM COMMITTEE TO STUDY THE NEEDS AND NECESSITIES OF OFF-CAMPUS BRANCHES OR CENTERS OF JUNIOR COLLEGES.

WHEREAS, the costs of state funding for off-campus branches and centers of junior colleges have escalated in recent years; and

WHEREAS, much controversy surrounds the extent and areas of duplication of services and curriculum to the communities and taxpayers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby recreated a joint interim committee to be composed of three members of the House of Representatives and three members of the Senate, appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets relating to the costs, curriculum, duplication of curriculum within the community, needs, necessities and any other pertinent matters pertaining to off-campus branches and centers of junior colleges.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1982 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem for each day he attends a meeting of the committee, and travel expenses for only one round trip to a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session. The total of such expenses shall not exceed \$6,000.00.

Approved May 27, 1981

Time: 9:00 A.M.

HOUSE JOINT RESOLUTION

NAMING THE PARK NOW KNOWN AS BIBB COUNTY PARK "THE WALTER OWENS PARK" AND REPEALING ACT NO. 81-44, H.J.R. 48, OF THE 1981 REGULAR SESSION OF THE LEGISLATURE.

WHEREAS, our highly respected colleague, Roy Walter Owens, has served in the Alabama Legislature for 15 years; and

WHEREAS, Walter Owens has diligently represented his constituents of Bibb County for four terms in the House of Representatives; and

WHEREAS, Representative Walter Owens has rendered great service to the state and its citizens as Chairman of the House Ways and Means Committee; and

WHEREAS, our friend Walter Owens was the one person most instrumental in providing for the planning, development and construction of the Bibb County Park, which is soon to be officially opened; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in gratitude to our friend whom we have long admired and respected, this body hereby names and designates the park now called Bibb County Park as "The Walter Owens Park."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized and directed to erect and maintain appropriate signs and markers so designating said park.

RESOLVED FURTHER, That Act No. 81-44, H.J.R. 48, of the 1981 Regular Session of the Legislature which referred to said park as a lake is hereby specifically repealed.

RESOLVED FURTHER, That a copy of this resolution be presented to Representative Owens as a memento of this honorary designation.

Approved May 27, 1981

Time: 9:00 A.M.

COMMENDING VINCENT HIGH SCHOOL FOR OUT-
STANDING ACCOMPLISHMENTS IN ATHLETICS.

WHEREAS, this legislative body is proud to note the outstanding athletic accomplishments of Vincent High School during the 1980-81 scholastic year in the Class 2-A division; and

WHEREAS, the Vincent High School team were area champs in football; and

WHEREAS, the Vincent High School roundballers had a successful year, claiming the area championship, the regional championship and finishing number 2 in final state basketball competition; and

WHEREAS, the great athletic tradition of Vincent High School was carried forward by the baseball team, which was area and regional winner; and

WHEREAS, the members of the school's volleyball team were area champs; and

WHEREAS, the ladies of Vincent High School proved they were as outstanding athletes as their male counterparts, finishing second in the state in outdoor track and cross country and third in the state in indoor track; and

WHEREAS, these young athletes have been led and trained by an outstanding coaching staff which has taught their team members to be "winners" both on and off the field; and

WHEREAS, the student body and faculty should also be noted for their fine support and encouragement of all the athletic teams; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Vincent High School is commended for its outstanding athletic achievement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Braxton Baker, school principal, for appropriate display so that the students and faculty of Vincent High School may know of our pride in them.

Approved May 27, 1981

Time: 9:00 A.M.

AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1982.

Be It Enacted by the Legislature of Alabama:

Section 1. The monies in Section 2 are appropriated from the named funds for the 1981-82 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the needs of an identified clientele, or group of recipients or beneficiaries.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

(e) "Retirement" shall mean employees' retirement unless otherwise specified.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1982, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except

as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State Employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Fund Sources Included In Appropriation Total			
	General Fund	Trust Funds	Appropriation Total
A. LEGISLATIVE:			
1. EXAMINERS OF PUBLIC ACCOUNTS, DEPARTMENT OF:			
(a) Legislative Support — Audit Services Program			2,989,370
SOURCE OF FUNDS:			
(1) State General Fund	2,530,020		
(2) General Fund-Retirement	244,700		
(3) General Fund-Social Security	159,650		
(4) General Fund-Health Insurance	55,000		
Total Department of Examiners of Public Accounts	2,989,370		2,989,370
2. LEGISLATIVE COUNCIL:			
(a) Legislative Operations and Support Program			121,200
(For Operations of the Council including out-of-state travel by Council members and members of the Legislature authorized to attend Legislative conferences by joint resolution of the Legislature.)			
SOURCE OF FUNDS:			
(1) State General Fund	121,200		
Total Legislative Council	121,200		121,200
3. LEGISLATIVE FISCAL OFFICE:			
(a) Legislative Operations and Support Program			407,130
SOURCE OF FUNDS:			
(1) State General Fund	351,730		
(2) General Fund-Retirement	29,454		
(3) General Fund-Social Security	19,238		
(4) General Fund-Health Insurance	6,708		
Total Legislative Fiscal Office	407,130		407,130
4. LEGISLATIVE REFERENCE SERVICE:			
(a) Legislative Operations and Support Program			689,189

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
The appropriation to the Legislative Reference Service shall include a transfer to the State Personnel Department of \$335.				
SOURCE OF FUNDS:				
(1)	State General Fund	597,035		
(2)	General Fund-Retirement	48,890		
(3)	General Fund-Social Security	31,912		
(4)	General Fund-Health Insurance	11,352		
	Total Legislative Reference Service	689,189		689,189
5. LEGISLATURES, NATIONAL CONFERENCE OF STATE:				
(a)	Legislative Operations and Support Program			42,088
SOURCE OF FUNDS:				
(1)	State General Fund	42,088		
	Total National Conference of State Legislatures	42,088		42,088
6. LEGISLATURE:				
(a)	Senate Operations and Support Program			1,166,800
(b)	House Operations and Support Program			1,750,193
(c)	Two additional WATS (telephone) lines for use by members of the Legislature between the hours of 7:00 A.M. and 11:00 P.M., seven days per week			1,400
SOURCE OF FUNDS:				
(1)	State General Fund	2,751,400		
(2)	General Fund-Retirement	86,815		
(3)	General Fund-Social Security	53,346		
(4)	General Fund-Health Insurance	26,832		
	Total Legislature	2,918,393		2,918,393
B. JUDICIAL:				
1. COURT OF CIVIL APPEALS:				
(a)	Court Operations Program			659,669
SOURCE OF FUNDS:				
(1)	State General Fund	547,967		
(2)	General Fund-Employees' Retirement	15,039		
(3)	General Fund-Judicial Retirement	63,580		
(4)	General Fund-Social Security	24,827		

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
(5)	General Fund-Health Insurance	8,256		
	Total Court of Civil Appeals	659,669		659,669
2.	COURT OF CRIMINAL APPEALS:			
(a)	Court Operations Program			963,283
	SOURCE OF FUNDS:			
(1)	State General Fund	775,302		
(2)	General Fund-Employees' Retirement	32,694		
(3)	General Fund-Judicial Retirement	105,820		
(4)	General Fund-Social Security	38,041		
(5)	General Fund-Health Insurance	11,426		
	Total Court of Criminal Appeals	963,283		963,283
3.	JUDICIAL INQUIRY COMMISSION:			
(a)	Administrative Services Program			69,604
	SOURCE OF FUNDS:			
(1)	State General Fund	65,858		
(2)	General Fund-Retirement	1,946		
(3)	General Fund-Social Security	1,284		
(4)	General Fund-Health Insurance	516		
	Total Judicial Inquiry Commission	69,604		69,604
4.	JUDICIAL RETIREMENT SYSTEM:			
(a)	Retirement Systems Fund			890,000
	SOURCE OF FUNDS:			
(1)	State General Fund	890,000		
	Total Judicial Retirement System	890,000		890,000
6.	SUPREME COURT:			
(a)	Court Operations Program			2,505,738
	SOURCE OF FUNDS:			
(1)	State General Fund	2,084,368		
(2)	General Fund-Employees Retirement	103,244		
(3)	General Fund-Judicial Retirement	194,260		
(4)	General Fund-Social Security	83,127		
(5)	General Fund-Health Insurance	30,739		
(6)	Federal, Local and Miscellaneous Funds		10,000	
	Total Supreme Court	2,495,738	10,000	2,505,738
6.	UNIFIED JUDICIAL SYSTEM:			
	(Administrative Office of Courts)			
(a)	Court Operations Program			37,791,385
(b)	Administrative Services Program			3,422,712
	SOURCE OF FUNDS:			
(1)	State General Fund	34,100,000		

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
(2)	General Fund-Employees Retirement	1,747,916		
(3)	General Fund-Judicial Retirement	2,985,466		
(4)	General Fund-Social Security	1,608,175		
(5)	General Fund-Health Insurance	782,540		
	Total Unified Judicial System	41,214,097		41,214,097
C.	EXECUTIVE			
1.	ACCOUNTANCY, ALABAMA			
	STATE BOARD OF PUBLIC:			
	(a) Professional and Occupational Licensing and Regulation Program			135,000
	SOURCE OF FUNDS:			
(1)	Alabama State Board of Public Accountancy Fund As provided in Title 34, Chapter 1, Section 22, 1975 Code of Alabama.		135,000	
	In addition to the amounts appropriated hereinabove to the Alabama State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.			
	Total Alabama State Board of Public Accountancy		135,000	135,000
2.	ADJUSTMENT, BOARD OF:			
	(a) Special Services Program			165,000
	SOURCE OF FUNDS:			
(1)	State General Fund for the General Fund Contribution to the total expenditure of \$350,000 pursuant to Title 41, Chapter 9, Section 73, 1975 Code of Alabama	15,000		
(2)	State General Fund for expenditures as provided in Title 31, Chapter 3 and Title 36, Chapter 30, Article 1, 1975 Code of Alabama, Estimated	150,000		
	Total Board of Adjustment	165,000		165,000
3.	AERONAUTICS, DEPARTMENT OF:			
	(a) Airport Development and Aeronautical Support Program			630,459

**Fund Sources Included
In Appropriation Total**

	General Fund	Trust Funds	Appropriation Total
The appropriation to the Department of Aeronautics shall include a transfer to the State Personnel Department of \$240.			
SOURCE OF FUNDS:			
(1) Airport Development Fund		630,459	
As provided by Title 4, Chapter 2, Section 42, 1975 Code of Alabama			
Total Department of Aeronautics		630,459	630,459
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4. AGING, COMMISSION ON:			
(a) Planning and Advocacy for Elderly Program			13,047,164
The appropriation to the Commission on Aging shall include a transfer to the State Personnel Department of \$719.			
SOURCE OF FUNDS:			
(1) State General Fund Transfer	751,750		
(2) Federal, Local and Miscellaneous Funds		12,295,414	
Total Commission on Aging	751,750	12,295,414	13,047,164
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5. AGRICULTURAL CENTER BOARD:			
(a) Agricultural Development Services Program			575,000
The appropriation to the Agricultural Center Board shall include a transfer to the State Personnel Department of \$527.			
SOURCE OF FUNDS:			
(1) State General Fund	120,000		
For expense and awarding of prizes for fairs as provided in Title 2, Chapter 7, Article 2, 1975 Code of Alabama.			
(2) State General Fund Transfer	306,800		
(3) Livestock Coliseum Fund		148,200	
Total Agricultural Center Board	426,800	148,200	575,000
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6. AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION, ALABAMA:			
(a) Agricultural Development Services Program			31,428
SOURCE OF FUNDS:			
(1) State General Fund	31,428		
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		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
Total Alabama Agricultural and Industrial Exhibit Commission		31,428		31,428
7.	AGRICULTURE AND INDUSTRIES, DEPARTMENT OF:			
	(a) Administrative Services Program			945,104
	(b) Agricultural Inspection Services Program			9,243,030
	(c) Laboratory Analysis and Disease Control Program			3,226,196
	(d) Agricultural Development Services Program			545,843
	The appropriation to the Department of Agriculture and Industries shall include a transfer to the State Personnel Department of \$15,238.			
	SOURCE OF FUNDS:			
	(1) State General Fund Transfer	5,917,000		
	(2) Federal, Local and Miscellaneous Funds		2,160,680	
	(3) Shipping Point Inspection Fund pursuant to Title 2, Chapter 9, Sections 20 and 21, 1975 Code of Alabama		3,769,000	
	All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection, grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities.			
	(4) Agricultural Fund		2,113,493	
	Total Department of Agriculture and Industries	5,917,000	8,043,173	13,960,173
8.	ALCOHOLIC BEVERAGE CONTROL BOARD, ALABAMA:			
	(a) Alcoholic Beverage Management Program			24,819,247
	(b) Licensing, Regulation and Enforce-			

Fund Sources Included In Appropriation Total		
	General Fund	Trust Funds
ment Program		5,986,566
(c) Administrative Services Program .		3,290,184
The appropriation to the Alabama Alcoholic Beverage Control Board shall include transfers to the State Personnel Department of \$55,779, and to Mental Health of \$1,000,000.		
SOURCE OF FUNDS:		
(1) ABC Board Fund	34,095,997	
In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal		

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.				
Total Alabama Alcoholic Beverage Control Board			34,095,997	34,095,997
9.	ARCHITECTS, BOARD OF REGISTRATION OF:			
	(a) Professional and Occupational Licensing and Regulation Program			82,775
The appropriation to the Board for Registration of Architects shall include a transfer to the State Personnel Department of \$96.				
SOURCE OF FUNDS:				
	(1) Fund of the Board for Registration of Architects, as provided in Title 34, Chapter 2, Section 23, Code of Alabama 1975		82,775	
Total Board for Registration of Architects			82,775	82,775
10.	ARCHIVES AND HISTORY:			
	(a) Historical Resources Management Program			869,111
SOURCE OF FUNDS:				
	(1) State General Fund	722,108		
	(2) General Fund-Retirement	66,019		
	(3) General Fund-Social Security	45,395		
	(4) General Fund-Health Insurance	23,589		
	(5) Federal, Local and Miscellaneous Funds		12,000	
Total Archives and History		857,111	12,000	869,111
11.	ATTORNEY GENERAL, OFFICE OF THE:			
	(a) Legal Advice and Legal Service			

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
	Program			3,924,090
(b)	Fair Marketing Practices Program			333,429
	SOURCE OF FUNDS:			
(1)	State General Fund	2,998,648		
(2)	General Fund-Retirement	227,956		
(3)	General Fund-Social Security	150,771		
(4)	General Fund-Health Insurance	55,728		
(5)	Transfer-Pensions and Security		310,000	
(6)	Federal, Local and Miscellaneous Funds		514,416	
	Total Office of the Attorney General	3,433,103	824,416	4,257,519
12.	AUDITOR, STATE:			
(a)	Fiscal Management Program			654,863
	SOURCE OF FUNDS:			
(1)	State General Fund	559,747		
(2)	General Fund-Retirement	47,620		
(3)	General Fund-Social Security	33,048		
(4)	General Fund-Health Insurance	14,448		
	Total State Auditor	654,863		654,863
13.	BANKING DEPARTMENT, STATE:			
(a)	Charter, License, and Regulate Financial Institutions Program			1,887,888
	The appropriation to the State Banking Department shall include a transfer to the State Personnel Department of \$2,252.			
	SOURCE OF FUNDS:			
(1)	Banking Assessment Fees As provided in Title 5, Chapter 1, Section 5, 1975 Code of Alabama.		1,438,120	
(2)	Bureau of Credit Unions As provided in Title 5, Chapter 2, Article 5, Divisions 1 and 2, 1975 Code of Alabama.		182,200	
(3)	Loan Examination Fund As provided in Title 5, Chapter 18, Sections 1-24, 1975 Code of Ala- bama.		267,568	
	Total State Banking Department		1,887,888	1,887,888
14.	BAR ASSOCIATION, ALABAMA STATE:			
(a)	Professional and Occupational Lic- ensing and Regulation Program			641,250
	SOURCE OF FUNDS:			

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
(1) State Bar Association Fund, as provided in Title 34, Chapter 3 Code of Alabama 1975			641,250	
Total Alabama State Bar Association			641,250	641,250
15. BEAR CREEK DEVELOPMENT AUTHORITY:				
(a) Water Resources Development Program				130,593
SOURCE OF FUNDS:				
(1) State General Fund		26,093		
(2) Federal, Local and Miscellaneous Funds			104,500	
Total Bear Creek Development Authority		26,093	104,500	130,593
16. BRIERFIELD IRONWORKS PARK:				
(a) Outdoor Recreation Sites and Services Program				94,704
SOURCE OF FUNDS:				
(1) State General Fund		25,000		
(2) Federal, Local and Miscellaneous Funds			69,704	
Total Brierfield Ironworks Park		25,000	69,704	94,704
17. BUILDING COMMISSION:				
(a) Special Services Program				779,954
The appropriation to the Building Commission shall include a transfer to the State Personnel Department of \$48.				
SOURCE OF FUNDS:				
(1) State General Fund		131,132		
(2) General Fund-Retirement		51,765		
(3) General Fund-Social Security		33,216		
(4) General Fund-Health Insurance		11,352		
(5) Federal, Local and Miscellaneous Funds			552,489	
Total Building Commission		227,465	552,489	779,954
18. CAHABA HISTORICAL COMMISSION:				
(a) Historical Resources Management Program				125,000
SOURCE OF FUNDS:				
(1) State General Fund		25,000		
(2) Federal, Local and Miscellaneous				

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
Funds			100,000	
Total Cahaba Historical Commission		25,000	100,000	125,000
<hr/>				
19. CHIROPRACTIC EXAMINERS, ALABAMA STATE BOARD OF:				
(a) Professional and Occupational Licensing and Regulation Program				28,000
SOURCE OF FUNDS:				
(1) Alabama State Board of Chiropractic Examiner's Fund as provided in Title 34, Chapter 24, Article 4, Divisions 1, 2 and 3, 1975 Code of Alabama			28,000	
Total Alabama State Board of Chiropractic Examiners			28,000	28,000
<hr/>				
20. CIVIL DEFENSE, DEPARTMENT OF:				
(a) Readiness and Recovery Program				2,658,186
The appropriation to the Dept. of Civil Defense shall include a transfer to the State Personnel Department of \$1,294.				
SOURCE OF FUNDS:				
(1) State General Fund	445,883			
(2) General Fund-Retirement	21,966			
(3) General Fund-Social Security	14,501			
(4) General Fund-Health Insurance	6,450			
(5) Federal, Local and Miscellaneous Funds			2,169,386	
Total Department of Civil Defense	488,800	2,169,386		2,658,186
<hr/>				
21. COASTAL AREA BOARD, ALABAMA:				
(a) Coastal Area Management Program				1,123,500
The appropriation to the Alabama Coastal Area Board shall include a transfer to the State Personnel Department of \$240.				
SOURCE OF FUNDS:				
(1) State General Fund	48,500			
(2) Federal, Local and Miscellaneous Funds			1,075,000	
Total Alabama Coastal Area Board	48,500	1,075,000		1,123,500
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		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
22.	CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF:			
	(a) Game and Fish Program			10,375,900
	(b) State Land Management Program			356,643
	(c) Outdoor Recreation Sites and Services Program			9,127,877
	(d) Administrative Services Program			2,803,709
	(e) Marine Police Program			1,512,239
	(f) Marine Resources Program			1,302,308
	The appropriation to the Department of Conservation and Natural Resources shall include a transfer to the State Personnel Department of \$24,535.			
	SOURCE OF FUNDS:			
	(1) Game and Fish Fund	10,375,900		
	(2) State Lands Fund	356,643		
	The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.			
	(3) Marine Resources Fund	1,302,308		
	In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division Programs or projects which he deems appropriate.			
	(4) Marine Police Fund	1,512,239		
	(5) State Parks Fund	8,871,677		
	(6) Administrative Funds	2,803,709		
	The funds hereinabove appropriated shall be payable as provided in Title 9, Chapter 2, Section 1, Code of Alabama 1975.			

**Fund Sources Included
In Appropriation Total**

	General Fund	Trust Funds	Appropriation Total
(7) State General Fund	256,200		
Total Department of Conservation and Natural Resources	256,200	25,222,476	25,478,676
In addition to the above appropriation, there is hereby appropriated \$350,000 to Frank Jackson Park, to be conditional upon the availability of funds in the State General Fund and upon the approval of the Gov- ernor.			
23. CONTRACTORS, STATE LICENS- ING BOARD FOR GENERAL:			
(a) Professional and Occupational Li- censing and Regulation Program			177,901
The appropriation to the State Li- censing Board for General Contrac- tors shall include a transfer to the State Personnel Department of \$240.			
SOURCE OF FUNDS:			
(1) State Licensing Board for General Contractors Fund		177,901	
Pursuant to Title 34, Chapter 8, 1975 Code of Alabama. In addition to the amounts appropriated herein above to the State Licensing Board for General Contractors there is hereby appropriated such an a- mount as may be necessary to pay the refund of any application for license which may have been reject- ed by the Board or application withdrawn by request of applicant			
Total State Licensing Board for General Contractors		177,901	177,901
24. CORRECTIONS, BOARD OF:			
(a) Administrative Services and Logis- tical Support Program			3,651,592
(b) Institutional Services Corrections Program			34,686,846
(c) Correctional Industries Program			6,945,438
The appropriation to the Board of Corrections shall include a transfer to the State Personnel Dept. of \$56,785.			

**Fund Sources Included
In Appropriation Total**

General Fund	Trust Funds	Appropriation Total
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- (d) Reimbursement to counties for expenses related to the care and feeding of state prisoners

6,000,000

The \$6,000,000 herein appropriated, shall be used by the Board of Corrections to partially reimburse the several counties for their expenditures for the housing and maintenance of state prisoners in county jails. Such \$6,000,000 shall be distributed according to the following formula:

Said amount shall be disbursed to the general fund of the several counties by the state comptroller upon vouchers certified by the Commissioner of the State Department of Corrections. The amounts disbursed to the several counties shall be on the basis of three dollars (\$3.00) per day for each state prisoner housed in the county jails from the period beginning March 1, 1977 through February 28, 1980. Should said six million dollars (\$6,000,000) be insufficient to pay the total sum based on the above ratio, then said amount shall be prorated in such a manner that the per prisoner per day monetary amount shall be the same in every county. Should said six million dollars (\$6,000,000) be in excess of the amount necessary to pay the reimbursement according to said three dollars (\$3.00) per prisoner per day ratio, then the surplus shall carry forward and the several counties shall be reimbursed at the rate of three dollars (\$3.00) per prisoner per day from March 1, 1980 until the surplus is totally expended.

SOURCE OF FUNDS:

- | | |
|------------------------------------------------------|------------|
| (1) State General Fund-Transfer . . . | 46,400,000 |
| (2) Federal, Local and Miscellaneous Funds | 2,019,000 |
| (3) Board of Corrections Fund | 2,864,876 |

The Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Board of

**Fund Sources Included
In Appropriation Total**

General Fund	Trust Funds	Appropriation Total
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Corrections. Any such grant funds so generated and in direct support of the Board of Corrections' operations are also hereby appropriated.
Total Board of Corrections

46,400,000	4,883,876	51,283,876
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25. COSMETOLOGY, ALABAMA

BOARD OF:

- (a) Professional and Occupational Licensing and Regulation Program 368,500
The appropriation to the Alabama Board of Cosmetology shall include a transfer to the State Personnel Department of \$431.

SOURCE OF FUNDS:

- (1) Alabama Board of Cosmetology Fund 368,500
As provided in Title 34, Chapter 7, 1975 Code of Alabama
Total Alabama Board of Cosmetology 368,500 368,500

26. COUNSELING, ALABAMA BOARD OF EXAMINERS IN:

- (a) Professional and Occupational Licensing and Regulation Program 19,500
SOURCE OF FUNDS:

- (1) Alabama Board of Examiners in Counseling Fund 19,500
As provided in Title 34, Chapter 8A, 1975 Code of Alabama
Total Alabama Board of Examiners in Counseling 19,500 19,500

27. CRIMINAL JUSTICE INFORMATION SYSTEM, ALABAMA:

- (a) Criminal Justice Information Services Program 2,375,000
The appropriation to the Alabama Criminal Justice Information System shall include a transfer to the State Personnel Department of \$2,636.

SOURCE OF FUNDS:

- (1) State General Fund-Transfer 2,000,000
(2) Transfer-Public Safety Dept. 57,500
(3) Federal, Local and Miscellaneous Funds 317,500

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
Total Alabama Criminal Justice Information System		2,000,000	375,000	2,375,000
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28.	DAIRY COMMISSION, ALABAMA:			
(a)	Regulatory Services Program			394,000
	The appropriation to the Alabama Dairy Commission shall include a transfer to the State Personnel Dept. of \$47.			
	SOURCE OF FUNDS:			
(1)	Alabama Dairy Commission Fund as provided in Title 2, Chapter 13, 1975 Code of Alabama		394,000	
	Total Alabama Dairy Commission		394,000	394,000
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29.	DEVELOPMENT OFFICE, ALABAMA:			
(a)	Industrial Development Program			2,559,000
(b)	Administrative Services Program - Office of Minority Business			145,000
(c)	Alabama Film Commission - Promotional Development Program			220,000
	The appropriation to the Alabama Development Office shall include a transfer to the State Personnel Department of \$1,725.			
	SOURCE OF FUNDS:			
(1)	State General Fund - Transfer Alabama Development Office	2,509,000		
(2)	State General Fund - Transfer Office of Minority Business	75,000		
(3)	State General Fund - Alabama Film Commission	220,000		
(4)	Federal, Local and Miscellaneous Funds		120,000	
	Total Alabama Development Office	2,804,000	120,000	2,924,000
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30.	DISTRICT ATTORNEYS:			
(a)	Court Operations Program			6,471,610
	The proposed spending plan included in the above total is as follows:			
	Salaries of District Attorneys			1,492,074
	Salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit			37,053
	For use of the Deputy District At-			

**Fund Sources Included
In Appropriation Total**

	General Fund	Trust Funds	Appropriation Total
torney of the Bessemer Division of the 10th Judicial Circuit . . .			58,693
Salaries and expenses of Supernu- merary District Attorneys			561,168
For use in the District Attorney's Office of the 1st Judicial Circuit			72,657
For use in the District Attorney's Office of the 2nd Judicial Circuit			61,250
For use in the District Attorney's Office of the 3rd Judicial Circuit			83,766
For use in the District Attorney's Office in the 4th Judicial Circuit			275,036
For use in the District Attorney's Office of the 5th Judicial Circuit			193,723
For use in the District Attorney's Office of the 6th Judicial Circuit			166,951
For use in the District Attorney's Office of the 7th Judicial Circuit			96,248
For use in the District Attorney's Office of the 8th Judicial Circuit			90,842
For use in the District Attorney's Office of the 9th Judicial Circuit			92,064
For use in the District Attorney's Office of the 10th Judicial Circuit			310,881
For use in the District Attorney's Office of the 11th Judicial Circuit			74,897
For use in the District Attorney's Office of the 12th Judicial Circuit			133,255
For use in the District Attorney's Office of the 13th Judicial Circuit			221,422
For use in the District Attorney's Office of the 14th Judicial Circuit			74,511

Fund Sources Included In Appropriation Total			
	General Fund	Trust Funds	Appropriation Total
For use in the District Attorney's Office of the 15th Judicial Circuit	287,086		
For use in the District Attorney's Office of the 16th Judicial Circuit	106,246		
For use in the District Attorney's Office of the 17th Judicial Circuit	52,850		
For use in the District Attorney's Office of the 18th Judicial Circuit	135,238		
For use in the District Attorney's Office of the 19th Judicial Circuit	63,296		
For use in the District Attorney's Office of the 20th Judicial Circuit	128,729		
For use in the District Attorney's Office of the 21st Judicial Circuit	78,549		
For use in the District Attorney's Office of the 22nd Judicial Circuit	68,846		
For use in the District Attorney's Office of the 23rd Judicial Circuit	217,250		
For use in the District Attorney's Office of the 24th Judicial Circuit	78,422		
For use in the District Attorney's Office of the 25th Judicial Circuit	51,564		
For use in the District Attorney's Office of the 26th Judicial Circuit	131,616		
For use in the District Attorney's Office of the 27th Judicial Circuit	101,716		
For use in the District Attorney's Office of the 28th Judicial Circuit	59,301		
For use in the District Attorney's Office of the 29th Judicial Circuit	104,833		

**Fund Sources Included
In Appropriation Total**

	General Fund	Trust Funds	Appropriation Total
For use in the District Attorney's Office of the 30th Judicial Circuit			97,126
For use in the District Attorney's Office of the 31st Judicial Circuit			76,361
For use in the District Attorney's Office of the 32nd Judicial Circuit			76,779
For use in the District Attorney's Office of the 33rd Judicial Circuit			51,091
For use in the District Attorney's Office of the 34th Judicial Circuit			39,048
For use in the District Attorney's Office of the 35th Judicial Circuit			51,443
For use in the District Attorney's Office of the 36th Judicial Circuit			62,095
For use in the District Attorney's Office of the 37th Judicial Circuit			85,236
For use in the District Attorney's Office of the 38th Judicial Circuit			91,354
For use in the District Attorney's Office of the 39th Judicial Circuit			33,024
Appropriations of Salaries of Per- sonnel Established by Statute are estimated.			
Travel Expense of District Attor- neys			<u>50,000</u>
			6,471,610

SOURCE OF FUNDS:

(1) State General Fund . . .	5,802,345
(2) State General Fund - Retirement	86,828
(3) State General Fund - Soc. Sec.	390,485
(4) State General Fund - Health Ins.	<u>191,952</u>
Total District Attorneys	6,471,610

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
31.	EMPLOYMENT AND TRAINING, OFFICE OF:			
	(a) Skills Enhancement and Employment Opportunities Program . . .			2,671,157
	SOURCE OF FUNDS:			
	(1) Federal, Local and Miscellaneous Funds		2,671,157	
	Total Office of Employment and Training		2,671,157	2,671,157
32.	ENERGY, DEPARTMENT OF:			
	(a) Energy Management Program . .			6,437,314
	The appropriation to the Department of Energy shall include a transfer to the State Personnel Department of \$767.			
	SOURCE OF FUNDS:			
	(1) State General Fund-Transfer . . .	625,000		
	(2) Federal, Local and Miscellaneous Funds		5,812,314	
	Total Department of Energy . . .	625,000	5,812,314	6,437,314
33.	ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL:			
	(a) Professional and Occupational Licensing and Regulation Program .			273,494
	The appropriation to the State Board of Registration for Professional Engineers and Land Surveyors shall include a transfer to the State Personnel Department of \$240.			
	SOURCE OF FUNDS:			
	(1) Professional Engineers' Fund . . .		273,494	
	As provided in Title 34, Chapter 11, 1975 Code of Alabama, as amended and Act No. 1049 1975 Regular Session.			
	Total State Board of Registration for Professional Engineers and Land Surveyors		273,494	273,494
34.	ETHICS COMMISSION, ALABAMA:			
	(a) Regulation of Public Officials and Employees Program			203,340
	SOURCE OF FUNDS:			
	(1) State General Fund	175,000		

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
(2)	General Fund-Retirement	14,490		
(3)	General Fund-Social Security	9,722		
(4)	General Fund-Health Insurance	4,128		
	Total Alabama Ethics Commission	203,340		203,340
35.	FARMERS' MARKET AUTHORITY:			
(a)	Agricultural Development Services Program			152,540
	SOURCE OF FUNDS:			
(1)	State General Fund - Transfer For Administration	72,540		
(2)	Farmers' Market Authority Fund-Revenue and Capital Outlay Account		80,000	
	Total Farmers' Market Authority	72,540	80,000	152,540
36.	FINANCE, DEPARTMENT OF:			
(a)	Fiscal Management Program			2,526,719
(b)	Administrative Support Services Program			3,617,881
	SOURCE OF FUNDS:			
(1)	State General Fund	5,397,982		
(2)	General Fund-Retirement	390,801		
(3)	General Fund-Social Security	233,295		
(4)	General Fund-Health Insurance	122,522		
	Total Department of Finance	6,144,600		6,144,600
37.	FINANCE, DEPARTMENT OF-AIR TRANSPORTATION DIVISION:			
(a)	Administrative Support Services Program			1,657,541
	SOURCE OF FUNDS:			
(1)	State General Fund	1,600,000		
(2)	Departmental Receipts		57,541	
	Total Department of Finance-Air Transportation Division	1,600,000	57,541	1,657,541
38.	FORENSIC SCIENCES, DEPARTMENT OF:			
(a)	Forensic Science Services Program			3,514,009
	The appropriation to the Alabama Department of Forensic Sciences shall include a transfer to the State Personnel Department of \$3,306.			
	SOURCE OF FUNDS:			

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
	(1) State General Fund	2,453,227		
	(2) General Fund-Retirement	181,954		
	(3) General Fund-Social Security	108,605		
	(4) General Fund-Health Insurance	40,764		
	(5) General Fund-Capital Outlay	679,000		
	(6) Federal, Local and Miscellaneous Funds		50,459	
	Total Department of Forensic Sciences	3,463,550	50,459	3,514,009
39.	FORESTERS, ALABAMA STATE BOARD OF REGISTRATION FOR:			
	(a) Professional and Occupational Licensing and Regulation Program			17,900
	SOURCE OF FUNDS:			
	(1) Professional Foresters' Fund		17,900	
	As provided in Title 34, Chapter 12, 1975 Code of Alabama.			
	Total Alabama State Board of Registration for Foresters		17,900	17,900
40.	FORESTRY COMMISSION, ALABAMA:			
	(a) Forest Resource Protection Program			8,111,729
	(b) Forest Resource Management and Development Program			1,926,381
	(c) Forestry and Education Program			263,437
	(d) Administrative Services Program			1,379,411
	The appropriation to the Alabama Forestry Commission shall include a transfer to the State Personnel Department of \$19,743.			
	SOURCE OF FUNDS:			
	(1) State General Fund-Transfer	6,401,930		
	(2) General Fund-Emergency Forest Fire Fund-Act 79-830	180,000		
	(3) Federal and Local Funds		2,175,000	
	(4) Forestry Commission Fund		2,919,028	
	It is provided that in the event receipts into the Forestry Commission Funds relating to federal grants, county appropriations, seedling price increases, contributions, and inter-department transfers exceed amounts originally appropriated for these sources of funds such			

**Fund Sources Included
In Appropriation Total**

General Fund	Trust Funds	Appropriation Total
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excess receipts is hereby appropriated.

Of the above appropriation \$150,000 shall be used for rural and community fire protection.

- (5) State General Fund-Forestry Steering Committee
Total Alabama Forestry Commission

5,000

6,586,930 5,094,028 11,680,958

41. FORT MORGAN COMMISSION:

- (a) Historical Resources Management Program

275,386

SOURCE OF FUNDS:

- (1) State General Fund 95,930
(2) General Fund-Retirement 6,843
(3) General Fund-Social Security 4,517
(4) General Fund-Health Insurance 3,096
(5) Federal, Local and Miscellaneous Funds

165,000

Total Fort Morgan Commission

110,386 165,000 275,386

42. FUNERAL SERVICES, ALABAMA BOARD OF:

- (a) Professional and Occupational Licensing and Regulation Program

84,000

SOURCE OF FUNDS:

- (1) Alabama Funeral Directors and Embalmers Fund
As provided in Title 34, Chapter 13, 1975 Code of Alabama
Total Alabama Board of Funeral Services

84,000

84,000 84,000

43. GEOLOGICAL SURVEY:

- (a) Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program
The appropriation to the Geological Survey shall include a transfer to the State Personnel Department of \$2,923.

2,072,239

SOURCE OF FUNDS:

- (1) State General Fund 1,006,186
(2) General Fund-Retirement 74,543
(3) General Fund-Social Security 48,550

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
	(4) General Fund-Health Insurance	16,291		
	(5) Federal, Local and Miscellaneous Funds		926,669	
	Total Geological Survey	1,145, 570	926,669	2,072,239
44.	GORGAS MEMORIAL BOARD:			
	(a) Historical Resources Management Program			10,700
	SOURCE OF FUNDS:			
	(1) State General Fund	9,700		
	As provided in Title 41, Chapter 9, 1975 Code of Alabama and an additional amount.			
	(2) Federal, Local and Miscellaneous Funds		1,000	
	Total Gorgas Memorial Board	9,700	1,000	10,700
45.	GOVERNOR'S OFFICE:			
	(a) Executive Direction Program			1,193,100
	SOURCE OF FUNDS:			
	(1) State General Fund	1,056,995		
	(2) General Fund-Retirement	84,109		
	(3) General Fund-Social Security	50,295		
	(4) General Fund-Health Insurance	1,701		
	Total Governor's Office	1,193,100		1,193,100
46.	GOVERNOR'S CONTINGENCY FUND:			
	(a) Executive Direction Program			242,500
	SOURCE OF FUNDS:			
	(1) State General Fund	242,500		
	Total Governor's Contingency Fund	242,500		242,500
47.	GOVERNOR'S MANSION AND COASTAL MANSION:			
	(a) Executive Direction Program			194,000
	SOURCE OF FUNDS:			
	(1) State General Fund	178,609		
	(2) General Fund-Retirement	9,084		
	(3) General Fund-Social Security	5,963		
	(4) General Fund-Health Insurance	344		
	Total Governor's Mansion and Coastal Mansion	194,000		194,000
48.	HEALING ARTS, STATE LICENSING BOARD FOR THE:			
	(a) Professional and Occupational Licensing and Regulation Program			147,000

**Fund Sources Included
In Appropriation Total**

General Fund	Trust Funds	Appropriation Total
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The appropriation to the State Licensing Board for the Healing Arts shall include a transfer to the Personnel Department of \$96.

SOURCE OF FUNDS:

(1) State Licensing Board for the Healing Arts Fund	147,000	
Total State Licensing Board for the Healing Arts	147,000	147,000
As provided in Title 34, Chapter 24, Article 1, 1975 Code of Alabama.		

49. HEALTH, DEPARTMENT OF PUBLIC:

(a) Administrative Services Program	4,154,077
(b) Health Support Services Program	39,121,000
(c) Personal Health Improvement Program	38,091,000
(d) Environmental Health Improvement Program	6,629,000
(e) Special Services Program	2,480,000
(f) Health Planning, Development and Regulation Program	1,428,000

The appropriation to the Department of Public Health shall include a transfer to the State Personnel Department of \$95,361.

SOURCE OF FUNDS:

(1) State General Fund	14,914,870	
(2) General Fund-Retirement	1,422,080	
(3) General Fund-Social Security	938,879	
(4) General Fund-Health Insurance	448,171	
(5) Cigarette Tax-\$.01		1,256,514
As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.		
(6) Cigarette Tax-\$.02		2,143,915
As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.		
(7) Vital Statistics Fund	972,698	
(8) Hospital Licensing Fund	183,000	
(9) Emergency Medical Services Fund	30,000	
As provided in Title 22, Chapter 18, Sections 1 - 7, 1975 Code of Alabama.		

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
	(10) Local Health Departments		26,459,037	
	(11) Air Pollution Fines		30,000	
	(12) Miscellaneous Funds		3,793,441	
	(13) Federal Funds		39,310,472	
	Total Department of Public Health	17,724,000	74,179,077	91,903,077
50.	HEALTH PLANNING AND DEVELOPMENT AGENCY, STATE:			
	(a) Health Planning, Development and Regulation Program			945,957
	The appropriation to State Health Planning and Development Agency shall include a transfer to the State Personnel Department of \$1,198.			
	SOURCE OF FUNDS:			
	(1) State General Fund	253,170		
	(2) Federal, Local and Miscellaneous Funds		692,787	
	Total State Health Planning and Development Agency	253,170	692,787	945,957
51.	HEARING AID DEALERS, ALABAMA BOARD OF:			
	(a) Professional and Occupational Licensing and Regulation Program			19,371
	SOURCE OF FUNDS:			
	(1) State Board of Health - Hearing Aid Fund		19,371	
	As provided in Title 34, Chapter 14, Articles 1 and 2, 1975 Code of Alabama.			
	Total Board of Hearing Aid Dealers		19,371	19,371
52.	HIGHWAY DEPARTMENT:			
	(a) Central Administration Program			6,888,930
	(b) Division and District Supervision-State Program			12,220,992
	(c) Operations & Support Services Program			5,475,948
	(d) Maintenance Program			61,892,068
	(e) Non-Programmatic Expenditures Proposed Spending Plan for the above (e) includes the following:			44,845,125
	Debt Service		39,605,125	
	Equipment-Automotive		5,000,000	
	Equipment - Other than Automot-			

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
	tive	240,000		
(f)	Construction - Federal Aid Program			233,024,942
	Proposed Spending Plan for the above (f) includes the following:			
	Federal Aid Matching	36,528,015		
	Non-Participating Work on Federal Aid Projects	1,000,000		
	Advance Construction Bonds	15,970,897		
	Federal Aid	179,526,030		
(g)	Construction-State Program			8,104,116
(h)	Operations - Land & Buildings			1,087,800
(i)	Addition to the Operations Revolving Fund			1,000,000
	For the purpose of purchasing inventories for transfer to all Highway Department programs, operating manufacturing processes, and the payment of deferred employee benefits. The appropriation to the Highway Department shall include a transfer to the State Personnel Department of \$178,071.			
	SOURCE OF FUNDS:			
(1)	State General Fund	75,000		
(2)	Public Road and Bridge Fund		178,967,994	
(3)	Federal Aid		179,526,030	
(4)	Bond Proceeds		15,970,897	
	There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Highway Finance Corporation, a total of \$39,605,125 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.			
	The Highway Director with the consent of the Governor and the			

**Fund Sources Included
In Appropriation Total**

General Fund	Trust Funds	Appropriation Total
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Budget Office shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a), (b), (c), (d), (e), (f), (g), (h) of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable: In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

- (1) the appropriations made for Debt Service in section (e) hereof shall be paid in full—
- (2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purpose referred to in Sections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in said Sections in such order and with such priorities as the State Highway Director shall from time to time direct. The funds appropriated in section (f) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made. In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing there to be expended only for the purpose for which such funds are made available. Not later than ninety (90)

**Fund Sources Included
In Appropriation Total**

General Fund	Trust Funds	Appropriation Total
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days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, Lieutenant Governor, and each member of Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

Total Highway Department	75,000	374,464,921	374,539,921
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53. HIGHWAY AND TRAFFIC SAFETY,
OFFICE OF:

- (a) Traffic Control and Accident Prevention Program 5,080,766

The appropriation to the Office of Highway and Traffic Safety shall include a transfer to the State Personnel Department of \$431.

SOURCE OF FUNDS:

- | | | | |
|------------------------------------------------------|--------|-----------|-----------|
| (1) State General Fund - Transfer . . | 81,092 | | |
| (2) Federal Funds | | 4,999,674 | |
| Total Office of Highway and Traffic Safety | 81,092 | 4,999,674 | 5,080,766 |

54. HISTORIC CHATTAHOOCHEE
COMMISSION:

- (a) Historical Resources Management Program 105,955

SOURCE OF FUNDS:

- | | | | |
|------------------------------------------------------|--------|--------|---------|
| (1) State General Fund - Transfer . . | 64,505 | | |
| (2) Federal, Local and Miscellaneous Funds | | 41,450 | |
| Total Historic Chatahoochee Commission | 64,505 | 41,450 | 105,955 |

55. HISTORICAL COMMISSION, ALABAMA:

- (a) Historical Resources Management Program 1,648,066

The appropriation to the Alabama Historical Commission shall include a transfer to the State Personnel Department of \$863.

SOURCE OF FUNDS:

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
	(1) State General Fund - Transfer . . .	366,750		
	(2) Federal, Local and Miscellaneous Funds		1,281,316	
	Total Alabama Historical Commission	366,750	1,281,316	1,648,066
56.	INDUSTRIAL RELATIONS, DEPARTMENT OF:			
	(a) Skills Enhancement and Employment Opportunities Program . . .			88,438,421
	(b) Unemployment Compensation Program			80,794,117
	(c) Administrative Services Program			7,692,068
	(d) Industrial Safety and Accident Prevention Program			5,358,812
	(e) Employment and Social Opportunities Program			315,422
	The appropriation to the Department of Industrial Relations shall include a transfer to the State Personnel Department of \$70,059.			
	SOURCE OF FUNDS:			
	(1) State General Fund	652,671		
	(2) General Fund-Retirement	58,565		
	(3) General Fund-Social Security	38,663		
	(4) General Fund-Health Insurance	17,286		
	(5) Federal, Local and Miscellaneous Funds		181,831,655	
	Total Department of Industrial Relations	767,185	181,831,655	182,598,840
57.	INSURANCE BOARD, STATE EMPLOYEES':			
	(a) Administrative Support Services Program			78,182
	SOURCE OF FUNDS:			
	(1) State General Fund	69,950		
	(2) General Fund-Retirement	4,026		
	(3) General Fund-Social Security	2,658		
	(4) General Fund-Health Insurance	1,548		
	Total State Employees' Insurance Board	78,182		78,182
58.	INSURANCE, DEPARTMENT OF:			
	(a) Regulatory Services Program			2, 158,736
	The appropriation to the Department of Insurance shall include a transfer to the State Personnel			

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
Dept. of \$2,636.				
SOURCE OF FUNDS:				
(1)	State General Fund	954,491		
(2)	General Fund-Retirement	81,382		
(3)	General Fund-Social Security	53,825		
(4)	General Fund-Health Insurance	22,188		
(5)	Examination Revolving Fund as provided in Title 27, Chapter 2, Section 25, 1975 Code of Alabama		915,412	
(6)	Fire Marshals' Fund		131,438	
As provided in Title 24, Chapter 5, Article 1, 1975 Code of Alabama.				
Any balance in excess of \$50,000 at the end of the fiscal year shall transferred to the State General Fund.				
Total Department of Insurance		1,111,886	1,046,850	2,158,736
59. LABOR, DEPARTMENT OF:				
(a)	Regulatory Services Program			275,754
SOURCE OF FUNDS:				
(1)	State General Fund	204,644		
(2)	General Fund-Retirement	17,310		
(3)	General Fund-Social Security	13,124		
(4)	General Fund-Health Insurance	5,676		
(5)	Federal, Local and Miscellaneous Funds		35,000	
Total Department of Labor		240,754	35,000	275,754
60. LAGRANGE HISTORICAL SITE - ALABAMA HISTORICAL COMMISSION:				
(a)	Historical Resources Management Program			2,076
SOURCE OF FUNDS:				
(1)	State General Fund	2,076		
As provided in Title 41, Chapter 9, Section 270, 1975 Code of Alabama.				
Total LaGrange Historical Site - Alabama Historical Commission		2,076		2,076
61. LANDSCAPE ARCHITECTS, BOARD OF EXAMINERS OF:				
(a)	Professional and Occupational Licensing and Regulation Program			5,175
SOURCE OF FUNDS:				
(1)	Landscape Architects Fund		5,175	
As provided in Title 34, Chapter				

		Fund Sources Included In Appropriation Total		
		General Fund	Trust Funds	Appropriation Total
17, 1975 Code of Alabama.				
Total Board of Examiners of Landscape Architects			5,175	5,175
<hr/>				
62.	LAW ENFORCEMENT PLANNING AGENCY, ALABAMA:			
(a)	Law Enforcement Planning and Development Program			4,180,264
	The appropriation to the Alabama Law Enforcement Planning Agency shall include a transfer to the State Personnel Department of \$2,252. Of the above appropriation, the following distribution is provided for the law enforcement academies listed below: Jacksonville State University, \$50,000; University of Alabama, \$50,000; James H. Faulkner Jr. College, \$50,000; Troy State University-Montgomery, \$50,000; Department of Public Safety-Craig Air Force Base, \$50,000.			
	SOURCE OF FUNDS:			
(1)	State General Fund - Transfer for Matching Federal Funds	415,264		
(2)	Federal, Local and Miscellaneous Funds		3,765,000	
	Total Alabama Law Enforcement Planning Agency	415,264	3,765,000	4,180,264
<hr/>				
63.	LIQUEFIED PETROLEUM GAS BOARD:			
(a)	Regulatory Services Program . . .			180,000
	The appropriation to the Liquefied Petroleum Gas Board shall include a transfer to the State Personnel Department of \$192.			
	SOURCE OF FUNDS:			
(1)	Liquefied Petroleum Gas Board . .		180,000	
	Total Liquefied Petroleum Gas Board		180,000	180,000
<hr/>				
64.	MEDICAID AGENCY:			
(a)	Medical Assistance through Medicaid Program			342,532,000
	The appropriation to the Medicaid			

**Fund Sources Included
In Appropriation Total**

General Fund	Trust Funds	Appropriation Total
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Agency shall include a transfer to the State Personnel Dept. of \$9,440.

SOURCE OF FUNDS:

(1) State General Fund - Transfer . . .	78,400,000		
(2) Transfer-Pensions & Security . . .		847,000	
(3) Transfer from Mental Health . . .		5,216,000	
(4) Federal, Local and Miscellaneous Funds		258,069,000	
Total Medicaid Agency	78,400,000	264,132,000	342,532,000

In addition to the above appropriation there is hereby appropriated \$11,600,000 to the Medicaid Agency to be conditional, upon the availability of funds in the State General Fund and upon the approval of the Governor.

**65. MENTAL HEALTH, DEPARTMENT
OF:**

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| (a) Institutional Treatment and Care -
Mental Illness Program | 56,380,870 |
| (b) Institutional Treatment and Care -
Mental Retardation Program | 50,960,786 |
| (c) Institutional Treatment and Care -
Criminally Insane Program | 200,000 |
| (d) Non-Institutional Treatment and
Care Program
(Of this amount, \$11,937,656 shall
be used for Community Programs.) | 28,970,487 |
| (e) Administrative Services Program .
The appropriation to the Depart-
ment of Mental Health shall in-
clude a transfer to the State Per-
sonnel Department of \$265,093. In
addition to all appropriations made
herein above, an additional
\$12,000,000 is hereby appropriated,
conditional upon the availability of
funds in the State General Fund and
upon the approval of the Governor. | 3,119,841 |
| (f) Institutional Treatment and Care-
Mental Illness and Mental Retard-
ation Program
(Funded from anticipated addition-
al Title 19 Funds) | 20,000,000 |

**Fund Sources Included
In Appropriation Total**

	General Fund	Trust Funds	Appropriation Total
SOURCE OF FUNDS:			
(1) Special Mental Health Fund - For Operations and Maintenance of the State Mental Health Department including the purchase of drugs to medically and indigent mental patients not hospitalized at time of receiving drugs at Alabama State Hospitals		88,874,164	
(2) Special Mental Health Fund-Community Programs		11,937,656	
(3) Transfer from ABC Profits		1,000,000	
(4) Cigarette Tax - \$.01		961,000	
(5) Cigarette Tax - \$.02		5,023,000	
(6) Federal, Local and Miscellaneous Funds		31,836,164	
(7) Anticipated Title 19 Funds		20,000,000	
Total Department of Mental Health		159,631,984	159,631,984
66. MILITARY DEPARTMENT:			
(a) Military Operations Program			4,104,989
(b) Capital Outlay			923,491
SOURCE OF FUNDS:			
(1) State General Fund - Transfer - Capital Outlay for Architect and Engineering Services and specifications and construction of facilities	923,491		
(2) State General Fund - Operations	1,031,921		
(3) General Fund-Retirement	77,091		
(4) General Fund-Social Security	24,768		
(5) General Fund-Health Insurance	52,351		
(6) State General Fund - Quarterly Allowances Headquarters-Regular Allowance Units to be used solely for operating expenses; provided that no more than \$4,500 shall be allotted in any fiscal year for the Headquarters Alabama National Guard	853,861		
(7) State General Fund - Active Military Service	114,320		
(8) State General Fund - Transfer to Armory Commission	1,940,677		
(9) General Fund-Dropping Allowance	10,000		
Total Military Department	5,028,480		5,028,480

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
67.	ARMORY COMMISSION OF ALABAMA:			
	(a) Military Operations Program			2,837,639
	SOURCE OF FUNDS:			
	(1) Transfer from Military Department	1,940,677		
	(2) Federal, Local and Miscellaneous Funds		896,962	
	The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities. Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.			
	Total Armory Commission of Alabama		2,837,639	2,837,639
68.	NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS OF:			
	(a) Professional and Occupational Licensing and Regulation Program			30,000
	SOURCE OF FUNDS:			
	(1) Board of Examiners of Nursing Home Administrators Fund	30,000		
	As provided in Title 34, Chapter 20, 1975 Code of Alabama.			
	Total Board of Examiners of Nursing Home Administrators	30,000		30,000
69.	OIL AND GAS BOARD:			
	(a) Management and Regulation of Oil and Gas Exploration and Development Program			943,810
	SOURCE OF FUNDS:			
	(1) State General Fund	807,241		
	(2) State General Fund-Retirement	69,777		

		Fund Sources Included In Appropriation Total		
		General Fund	Trust Funds	Appropriation Total
(3)	General Fund-Social Security . . .	47,110		
(4)	General Fund-Health Insurance . .	19,682		
	Total Oil and Gas Board	943,810		943,810
70.	PARDONS AND PAROLE, BOARD OF:			
(a)	Administration of Pardons and Pa- roles Program			4,991,085
	The appropriation to the Board of Pardons and Parole shall include a transfer to the State Personnel De- partment of \$8,769.			
	SOURCE OF FUNDS:			
(1)	State General Fund	3,000,000		
(2)	General Fund-Retirement	333,227		
(3)	General Fund-Social Security . . .	217,933		
(4)	General Fund-Health Insurance . .	98,040		
(5)	Probationers Upkeep Fund		1,244,276	
(6)	Federal, Local and Miscellaneous Funds		97,609	
	Total Board of Pardons and Pa- role	3,649,200	1,341,885	4,991,085
71.	PEACE OFFICERS' ANNUITY AND BENEFIT FUND:			
(a)	Retirement Systems Program . . .			181,109
	SOURCE OF FUNDS:			
(1)	Peace Officers' Annuity and Bene- fit Fund as provided in Title 36, Chapter 21, Article 4, 1975 Code of Alabama		181,109	
	Total Peace Officers' Annuity and Benefit Fund		181,109	181,109
72.	PENSIONS:			
(a)	Social Services Program-For Con- federate Veterans and their widows: Such an amount as may be neces- sary to pay all the pensions allowed to Confederate soldiers and sailors and their widows.			
	SOURCE OF FUNDS:			
(1)	Proceeds from the levy of the one mill tax as provided by Title 40, Chapter 8, Section 361, 1975 Code of Alabama.			
73.	PENSIONS AND SECURITY:			
(a)	Financial Assistance Program . . .			109,561,536

**Fund Sources Included
In Appropriation Total**

	General Fund	Trust Funds	Appropriation Total
(b) Social Services Program			82,972,524
Of the above appropriation foster parents shall receive, in lieu of the current monthly payment rates, monthly payments for the care of children at the following rates based on the ages of the children: 0-2 years, \$153; 3-5 years, \$162; 6-12 years, \$171; and 13-18 years, \$180. Of the above appropriation, at least \$10,000,000 shall be dedicated to the foster care program.			
(c) Food Assistance Program			26,925,581
(d) Child Support Enforcement Program			7,467,312
The appropriation to Pensions and Security shall include a transfer to the State Personnel Department of \$197,239.			
SOURCE OF FUNDS:			
(1) State General Fund	10,200,000		
(2) Federal, Local and Miscellaneous Funds		144,121,000	
(3) ABC Profits		2,200,971	
(4) Whiskey Tax		20,893,900	
(5) Beer Tax		8,318,948	
(6) Pension Residue		8,100,000	
(7) Sales Tax		1,322,000	
(8) Franchise Tax		9,500,000	
(9) Contracts, Service Fees		337,684	
(10) Child Support Collections		2,007,600	
(11) Sales Tax for Food Stamps		13,322,750	
(12) Cigarette Tax		4,800,000	
(13) Contractor's Gross Receipts Tax		1,800,000	
(14) Pension Fund		2,100	
Total Pensions and Security	10,200,000	216,726,953	226,926,953

**74. PERSONNEL DEPARTMENT,
STATE:**

(a) Administrative Support Program			1,534,072
SOURCE OF FUNDS:			
(1) State General Fund - Transfer	103,284		
(2) Federal, Local and Miscellaneous Funds		259,000	
(3) Transfer from Department of Aeronautics		240	
(4) Transfer from Commission on Ag-			

Fund Sources Included In Appropriation Total			
	General Fund	Trust Funds	Appropriation Total
ing		719	
(5) Transfer from Agriculture and Industries		15,238	
(6) Transfer from Agricultural Center Board		527	
(7) Transfer from Alcoholic Beverage Control Board		55,779	
(8) Transfer from Board of Registration of Architects		96	
(9) Transfer from State Banking Department		2,252	
(10) Transfer from Finance-Alabama Building Authority		575	
(11) Transfer from Finance-Alabama Building Finance Authority		479	
(12) Transfer from Building Commission		48	
(13) Transfer from Civil Defense Department		1,294	
(14) Transfer from Coastal Area Board		240	
(15) Transfer from Conservation Department		24,535	
(16) Transfer from State Licensing Board for General Contractors		240	
(17) Transfer from Board of Corrections		56,785	
(18) Transfer from Board of Cosmetology		431	
(19) Transfer from Criminal Justice Information Center		2,636	
(20) Transfer from Alabama Dairy Commission		479	
(21) Transfer from Alabama Development Office		1,725	
(22) Transfer from State Docks		4,696	
(23) Transfer from Education		63,494	
(24) Transfer from Education Study Commission		48	
(25) Transfer from Department of Energy		767	
(26) Transfer from Board of Registration and Professional Engineers and Land Surveyors		240	
(27) Transfer from Firefighters Personnel Standards and Education Commission		240	

	Fund Sources Included In Appropriation Total		Appropriation Total
	General Fund	Trust Funds	
(28) Transfer from Department of Forensic Sciences		3,306	
(29) Transfer from Forestry Commission		19,743	
(30) Transfer from Geological Survey		2,923	
(31) Transfer from State Licensing Board for the Healing Arts		96	
(32) Transfer from Health Department		95,361	
(33) Transfer from State Health Planning and Development		1,198	
(34) Transfer from Highway Department		178,071	
(35) Transfer from Highway and Traffic Safety		431	
(36) Transfer from Alabama Historical Commission		863	
(37) Transfer from Industrial Relations		70,059	
(38) Transfer from Insurance Department		2,636	
(39) Transfer from Law Enforcement Planning Agency		2,252	
(40) Transfer from Legislative Reference Service		335	
(41) Transfer from Liquefied Petroleum Gas Board		192	
(42) Transfer from Medicaid Agency		9,440	
(43) Transfer from Department of Mental Health		265,093	
(44) Transfer from Board of Nursing		527	
(45) Transfer from Pardons and Parole Board		8,769	
(46) Transfer from Peace Officers Standards and Training Commission		96	
(47) Transfer from Pensions and Security		197,239	
(48) Transfer from Physical Fitness Commission		240	
(49) Transfer from Board of Physical Therapy		48	
(50) Transfer from Office of State Planning & Federal Programs		2,492	
(51) Transfer from Public Library Service		2,779	
(52) Transfer from Public Service Commission		4,073	

Fund Sources Included In Appropriation Total			
	General Fund	Trust Funds	Appropriation Total
(53) Transfer from Publicity and Information		2,061	
(54) Transfer from Real Estate Commission		863	
(55) Transfer from Retirement Systems		3,977	
(56) Transfer from Department of Revenue		43,463	
(57) Transfer from Board of Social Work Examiners		48	
(58) Transfer from Surface Mining Reclamation Commission		1,629	
(59) Transfer from Department of Youth Services		17,682	
Total State Personnel Department	103,284	1,430,788	1,534,072
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75. PHYSICAL THERAPY, BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			21,536
The appropriation to the Board of Physical Therapy shall include a transfer to the State Personnel Department of \$48.			
SOURCE OF FUNDS:			
(1) Physical Therapist Fund		21,536	
As provided in Title 34, Chapter 24, Article 5, 1975 Code of Alabama.			
Total Board of Physical Therapy.		21,536	21,536
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76. PLANNING AND FEDERAL PROGRAMS, OFFICE OF STATE:			
(a) State Planning Program			7,944,910
(b) Special Services Program			1,488,933
The appropriation to the Office of State Planning and Federal Programs shall include a transfer to the State Personnel Department of \$2,492.			
SOURCE OF FUNDS:			
(1) State General Fund - Transfer	2,138,680		
(2) Federal, Local and Miscellaneous Funds		7,295,163	
Total Office of State Planning and Federal Programs	2,138,680	7,295,163	9,433,843
<hr/>			
77. PROSECUTION SERVICES, OFFICE OF:			
(a) Prosecution, Training, Education			

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
	and Management Program			179,499
	SOURCE OF FUNDS:			
(1)	Office of Prosecution Services Fund		179,499	
	Total Office of Prosecution Services		179,499	179,499
78.	PSYCHOLOGY, ALABAMA BOARD OF EXAMINERS IN:			
(a)	Professional and Occupational Li- censing and Regulation Program . .			20,300
	SOURCE OF FUNDS:			
(1)	Board of Examiners in Psychology Fund		20,300	
	As provided in Title 34, Chapter 26, 1975 Code of Alabama.			
	Total Alabama Board of Exami- ners in Psychology		20,300	20,300
79.	PUBLIC SAFETY, DEPARTMENT OF:			
(a)	Traffic Control and Accident Pre- vention Program			16,726,253
(b)	Criminal Investigation Program . .			3,483,418
(c)	Driver's Licensing and Improve- ment Program			6,700,227
	The above appropriation shall in- clude an appropriation of \$100,000 to provide security film for drivers' licenses.			
(d)	Public Safety Support Services Program			7,508,933
(e)	Administrative Services Program . .			1,742,130
(f)	Alabama Criminal Justice Training Center Program			1,233,039
	SOURCE OF FUNDS:			
(1)	State General Fund	31,888,000		
(2)	State General Fund-Retirement . .	4,372,988		
(3)	General Fund-Social Security . . .	475,456		
(4)	General Fund-Health Insurance . .	657,556		
	Total Department of Public Safe- ty	37,394,000		37,394,000
80.	PUBLIC SERVICE COMMISSION:			
(a)	Administrative Services Program . .			443,050
(b)	Regulatory Services Program . . .			3,056,950
	The appropriation to the Public			

Fund Sources Included In Appropriation Total			Appropriation Total
General Fund	Trust Funds		
Service Commission shall include a transfer to the State Personnel Department of \$4,073.			
SOURCE OF FUNDS:			
(1) Public Service Commission Fund .	4,500,000		
The above appropriations to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$800,000 shall be transferred to the State General Fund.			
Total Public Service Commission .	4,500,000		4,500,000
81. PUBLICITY AND INFORMATION, BUREAU OF:			
(a) Tourism and Travel Promotion Program			2,507,914
The appropriation to the Bureau of Publicity and Information shall include a transfer to the State Personnel Department of \$2,061.			
SOURCE OF FUNDS:			
(1) State General Fund - Transfer . .	422,494		
(2) Lodgings Tax (\$.01)		2,085,420	
Receipts collected under the provisions of Title 40, Chapter 26, 1975 Code of Alabama.			
Total Bureau of Publicity and Information	422,494	2,085,420	2,507,914
82. REAL ESTATE COMMISSION, ALABAMA:			
(a) Professional and Occupational Licensing and Regulation Program .			649,410
The appropriation to the Alabama Real Estate Commission shall include a transfer to the State Per-			

**Fund Sources Included
In Appropriation Total**

General Fund	Trust Funds	Appropriation Total
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sonnel Department of \$863.

SOURCE OF FUNDS:

- (1) Alabama Real Estate Commission Fund - as provided in Title 34, Chapter 27, 1975 Code of Alabama, as amended and the total expenditures shall in no manner exceed the amounts hereby appropriated . . .
Total Alabama Real Estate Commission

649,410

649,410 649,410

83. REVENUE DEPARTMENT:

- (a) State Revenue Administration Program
The appropriation to the Revenue Department shall include a transfer to the State Personnel Department of \$43,463.

23,282,225

SOURCE OF FUNDS:

- (1) State General Fund - as provided in Title 40, Chapter 7, Article 2, Division 1, 1975 Code of Alabama, to maintain a program for the equalization of ad valorem tax assessments
(2) Transfer from the gross proceeds of Cigarette Tax Collections, Title 40, Chapter 25, Section 2 and 23, 1975 Code of Alabama
(3) Transfer from the gross proceeds of Financial Institution Excise Tax Collections
(4) Transfer from the gross proceeds of Forest Severance Tax Collections
(5) Transfer from the gross proceeds of Gasoline Tax Collections
(6) Transfer from the Income Tax Collections
(7) Transfer from the gross proceeds of Motor Fuel Tax Collections
(8) Transfer from the gross proceeds of Motor Vehicle License Collections
(9) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax

250,000

352,632

274,532

208,266

1,831,792

6,103,608

1,057,896

1,069,729

326,599

Fund Sources Included In Appropriation Total			
	General Fund	Trust Funds	Appropriation Total
(10) Transfer from the Pubic School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax		807,030	
(11) Transfer from the gross proceeds of Sales Tax Collections		8,512,865	
(12) Transfer from the gross proceeds of the Tobacco Tax Collections . .		1,744,226	
(13) Transfer from the gross proceeds of Use Tax Collections		833,063	
(14) Transfer from the gross proceeds of the Utility Tax Collections - as provided in Title 40, Chapter 21, 1975 Code of Alabama		544,331	
(15) Local Funds		2,713,989	
The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law.			
Provided, however, in addition to the amount herein above appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.			
Total Revenue Department	250,000	26,380,558	26,630,558
84. REVENUE - AUTO TITLE AND ANTI-THEFT:			
(a) State Revenue Administration Program			954,480
SOURCE OF FUNDS:			
(1) State General Fund - Transfer . .	954,480		
Total Revenue - Auto Title and Antitheft	954,480		954,480
85. REVENUE - BOARDS OF EQUALIZATION:			
(a) State Revenue Administration Program			132,890
SOURCE OF FUNDS:			

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
(1)	State General Fund	132,890		
	Total Revenue-Board of Equaliza- tion	132,890		132,890
86.	REVENUE - MOTOR VEHICLE LI- CENSE:			
(a)	State Revenue Administration Pro- gram			2,043,050
	The above appropriation shall in- clude an appropriation of \$125,000 to provide security film for title reg- istration certification.			
	SOURCE OF FUNDS:			
(1)	Transfer from the gross proceeds of Motor Vehicle License Collec- tions for the purchase only of Motor Vehicle License Tags		2,043,050	
	Total Revenue-Motor Vehicle Li- cense		2,043,050	2,043,050
87.	RICHMOND P. HOBSON MEMORI- AL BOARD:			
(a)	Historical Resources Management Program			146,440
	SOURCE OF FUNDS:			
(1)	State General Fund-as provided in Title 41, Chapter 9, Section 221, 1975 Code of Alabama, and an addi- tional amount	7,052		
(2)	Federal, Local and Miscellaneous Funds		139,388	
	Total Richmond P. Hobson Memori- al Board	7,502	139,388	146,440
88.	RURAL HEALTH AFFAIRS, OF- FICE OF:			
(a)	Health, Planning, Development and Regulation Program			242,859
	SOURCE OF FUNDS:			
(1)	Federal, Local and Miscellaneous Funds		242,859	
	Total Office of Rural Health Af- fairs		242,859	242,859
89.	SECRETARY OF STATE:			
(a)	Administrative Support Services Program			430,232
	SOURCE OF FUNDS:			

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
	(1) State General Fund	365,000		
	(2) General Fund-Retirement	31,833		
	(3) General Fund-Social Security	21,015		
	(4) General Fund-Health Insurance	12,384		
	Total Secretary of State	430,232		430,232
90.	SECURITIES COMMISSION:			
	(a) Regulatory Services Program			638,228
	SOURCE OF FUNDS:			
	(1) State General Fund	406,859		
	(2) General Fund-Retirement	42,828		
	(3) General Fund-Social Security	27,626		
	(4) General Fund-Health Insurance	8,172		
	(5) Federal, Local and Miscellaneous Funds		132,743	
	(6) Sales of Checks License Fund		8,000	
	(7) Exemption Fund		12,000	
	Total Securities Commission	485,485	152,743	638,228
91.	SOCIAL WORK EXAMINERS, ALABAMA STATE BOARD OF:			
	(a) Professional and Occupational Licensing and Regulation Program			60,000
	The appropriation to the Alabama State Board of Social Work Examiners shall include a transfer to the State Personnel Department of \$48.			
	SOURCE OF FUNDS:			
	(1) Alabama State Board of Social Work Examiners Fund-as provided in Title 34, Chapter 30, 1975, Code of Alabama		60,000	
	Total Board of Social Work Examiners		60,000	60,000
92.	SOIL AND WATER CONSERVATION COMMITTEE:			
	(a) Water Resource Development Program			677,564
	SOURCE OF FUNDS:			
	(1) State General Fund	615,094		
	(2) Federal, Local and Miscellaneous Funds		43,764	
	(3) General Fund-Retirement	9,735		
	(4) General Fund-Social Security	6,391		
	(5) General Fund-Health Insurance	2,580		
	Total Soil & Water Conservation			

		Fund Sources Included In Appropriation Total		
		General Fund	Trust Funds	Appropriation Total
	Comm.	633,800	43,764	677,564
93.	SOUTHERN GROWTH POLICIES BOARD:			
	(a) Special Services Program			24,541
	SOURCE OF FUNDS:			
	(1) State General Fund	24,541		
	Total Southern Growth Policies Board	24,541		24,541
94.	SPACE SCIENCE EXHIBIT COMMISSION:			
	(a) Tourism & Travel Promotion Program			388,000
	SOURCE OF FUNDS:			
	(1) General Fund-Capital Outlay	388,000		
	Total Alabama Space Science Exhibit Commission	388,000		388,000
95.	SPEECH PATHOLOGY AND AUDIOLOGY, ALABAMA BOARD OF EXAMINERS FOR:			
	(a) Professional and Occupational Licensing and Regulation Program			16,000
	SOURCE OF FUNDS:			
	(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund - as provided in Title 34, Chapter 28A, 1975 Code of Alabama		16,000	
	Total Alabama Board of Examiners for Speech Pathology and Audiology		16,000	16,000
96.	SURFACE MINING RECLAMATION COMMISSION:			
	(a) Industrial Safety and Accident Prevention Program			2,493,165
	The appropriation to the Surface Mining Reclamation Commission shall include a transfer to the State Personnel Department of \$1,629.			
	SOURCE OF FUNDS:			
	(1) Surface Mining Reclamation Commission Fund-as provided by Title 9, Chapter 16, Article 2, 1975 Code of Alabama. All fees and charges, grants, gifts fines, bond forfeitures			

		Fund Sources Included In Appropriation Total		
		General Fund	Trust Funds	Appropriation Total
or other monies received under the above act, in addition to the appro- priation herein made, are appropri- ated to the Surface Mining Re- clamation Commission			2,493,165	
Total Surface Mining Reclamation Commission			2,493,165	2,493,165
97.	TANNEHILL HISTORICAL STATE PARK:			
	(a) Historical Resources Management Program			575,000
	SOURCE OF FUNDS:			
	(1) State General Fund	200,000		
	(2) Federal, Local and Miscellaneous Funds		375,000	
	Total Tannehill Historical State Park	200,000	375,000	575,000
98.	TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AU- THORITY:			
	(a) Water Resource Development Pro- gram			505,473
	SOURCE OF FUNDS:			
	(1) State General Fund	160,050		
	As provided in Title 33, Chapter 8, 1975 Code of Alabama as amend- ed.			
	(2) Federal, Local and Miscellaneous Funds		345,423	
	Total Tennessee-Tombigbee Wa- terway Development Authority . .	160,050	345,423	505,473
99.	TREASURER, STATE:			
	(a) Fiscal Management Program . . .			1,086,400
	SOURCE OF FUNDS:			
	(1) State General Fund	963,248		
	(2) General Fund-Retirement	60,194		
	(3) General Fund-Social Security . .	39,738		
	(4) General Fund-Health Insurance .	23,220		
	Total State Treasurer	1,086,400		1,086,400
100.	UNIFORM STATE LAWS, COMMIS- SION ON:			
	(a) Special Services Program			4,147
	SOURCE OF FUNDS:			
	(1) State General Fund	4,147		

	Fund Sources Included In Appropriation Total		Appropriation Total
	General Fund	Trust Funds	
As Provided in Title 41, Chapter 9, Article 12, 1975 Code of Alabama. Total Comm. on Uniform State Laws	4,147		4,147
101. VETERANS AFFAIRS, DEPART- MENT OF:			
(a) Administration of Veterans Affairs Program			2,252,750
SOURCE OF FUNDS:			
(1) State General Fund	1,895,242		
(2) General Fund-Retirement	179,021		
(3) General Fund-Social Security	117,599		
(4) General Fund-Health Insurance	60,888		
Total Dept. Veterans Affairs	2,252,750		2,252,750
102. VETERINARY MEDICAL EXAMIN- ERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Li- censing and Regulation Program			16,750
SOURCE OF FUNDS:			
(1) State Board of Veterinary Medical Examiners Fund - as provided in Title 34, Chapter 29, 1975 Code of Alabama		16,750	
Total Alabama State Board of Vet- erinary Medical Examiners		16,750	16,750
103. WATER AND WASTE WATER SYS- TEMS PERSONNEL, BOARD OF CERTIFICATION FOR:			
(a) Professional and Occupational Li- censing and Regulation Program			4,800
SOURCE OF FUNDS:			
(1) Operators Certification Fund		4,800	
As provided in Title 22, Chapter 25, 1975 Code of Alabama.			
Total Board of Certification for Water & Waste Water Systems Personnel		4,800	4,800
104. WATER WELL STANDARDS BOARD, ALABAMA:			
(a) Professional and Occupational Li- censing and Regulation Program			37,800
SOURCE OF FUNDS:			
(1) Well Digger's Licensing Fund		37,800	

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
As provided in Title 22, Chapter 24, 1975 Code of Alabama.				
Total Alabama Water Well Stan- dards Board			37,800	37,800
105. WOMEN'S COMMISSION, ALA- BAMA:				
(a) Employment and Social Opportun- ities Program				9,991
SOURCE OF FUNDS:				
(1) State General Fund		9,991		
Total Alabama Women's Commis- sion		9,991		9,991
D. OTHER FUNCTIONS OF GOVERN- MENT FUNDED FROM THE GEN- ERAL FUND:				
1. ADVERTISING LANDS FOR TAX SALE:				
(a) State Revenue Administration Pro- gram, Estimated				70,810
SOURCE OF FUNDS:				
(1) State General Fund		70,810		
Total Advertising Lands for Tax Sale		70,810		70,810
2. ARREST OF ABSCONDING FEL- ONS:				
(a) Criminal Investigation Program Estimated				31,040
SOURCE OF FUNDS:				
(1) State General Fund		31,040		
Total Arrest of Absconding Felons		31,040		31,040
3. AUTOMATIC APPEAL EXPENSE:				
(a) Legal Advice and Legal Service Program, Estimated				485
SOURCE OF FUNDS:				
(1) State General Fund		485		
As provided in Title 12, Chapter 22, Sections 150 and 241, 1975 Code of Alabama				
Total Automatic Appeal Expense		485		485
4. CIVIL COURT COSTS IN CONNEC- TION WITH AD VALOREM TAX ASSESSMENTS APPEALS:				
(a) State Revenue Administration Pro- gram, Estimated				194
SOURCE OF FUNDS:				

		Fund Sources Included In Appropriation Total	
		General Fund	Trust Funds
		Appropriation Total	
(1)	State General Fund	194	
	Total Civil Court Costs in Connection with Ad Valorem Tax Assessments Appeals	194	194
5.	CONSUMER UTILITY RATE HEARING:		
(a)	Executive Direction Program . . .		242,500
	SOURCE OF FUNDS:		
(1)	State General Fund	242,500	
	As provided in Title 37, Chapter 1, Article 1, 1975 Code of Ala. Total Consumer Utility Rate Hearing	242,500	242,500
6.	COURT COSTS - ACT NO. 558, 1957:		
(a)	Court Operations Program, Estimated		14,550
	SOURCE OF FUNDS:		
(1)	State General Fund pursuant to Act No. 558, 1957, page 777	14,550	
	Total Court Costs-Act No. 558, 1957	14,550	14,550
7.	COURT COST NOT OTHERWISE PROVIDED FOR:		
(a)	Legal Advice and Legal Service Program, Estimated		476,000
	SOURCE OF FUNDS:		
(1)	State General Fund	476,000	
	Total Court Cost Not Otherwise Provided For	476,000	476,000
8.	DISTRIBUTION OF PUBLIC DOCUMENTS:		
(a)	Administrative Support Service Program, Estimated		17,460
	SOURCE OF FUNDS:		
(1)	State General Fund	17,460	
	Total Distribution of Public Documents	17,460	17,460
9.	ELECTION EXPENSES:		
(a)	Special Services Program, Estimated		450,000
	SOURCE OF FUNDS:		
(1)	State General Fund	450,000	450,000
	Total Election Expenses	450,000	450,000

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
10.	EMERGENCY FUND, DEPARTMENTAL:			
	(a) Special Services Program			436,500
	SOURCE OF FUNDS:			
	(1) State General Fund	436,500		
	(This is the appropriation contemplated in Title 41, Chapter 4, Section 94, Code of Alabama, 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section.)			
	Total Departmental Emergency Fund	436,500		436,500
11.	FAIR TRIAL TAX TRANSFER:			
	(a) Court Operations Program			97,000
	SOURCE OF FUNDS:			
	(1) State General Fund	97,000		
	Total Fair Trial Tax Transfer	97,000		97,000
12.	FEEDING OF PRISONERS:			
	(a) Institutional Services-Corrections Program, Estimated			3,000,000
	SOURCE OF FUNDS:			
	(1) State General Fund	3,000,000		
	For expenses of feeding prisoners in county jails			
	Total Feeding of Prisoners	3,000,000		3,000,000
13.	GOVERNORS' CONFERENCE, NATIONAL:			
	(a) Executive Direction Program			39,665
	SOURCE OF FUNDS:			
	(1) State General Fund	39,665		
	Total National Governors' Conference	39,665		39,665
14.	GOVERNOR'S COUNCILLOR:			
	(a) Executive Direction Program			36,000
	SOURCE OF FUNDS:			
	(1) State General Fund	36,000		
	As provided in Title 36, Chapter 13, Section 13, 1975 Code of Ala.			
	Total Governor's Councillor	36,000		36,000
15.	GOVERNOR'S PROCLAMATION EXPENSES:			
	(a) Executive Direction Program			145,500

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
SOURCE OF FUNDS:				
(1)	State General Fund	145,500		
	Total Governor's Proclamation Expenses	145,500		145,500
16.	GOVERNORS' WIDOWS RETIREMENT:			
(a)	Executive Direction Program			14,400
SOURCE OF FUNDS:				
(1)	State General Fund	14,400		
	Total Governors' Widows Retirement	14,400		14,400
17.	INTERPRETER'S ACCOUNT:			
(a)	Court Support Services Program, Estimated			1,455
SOURCE OF FUNDS:				
(1)	State General Fund	1,455		
	As provided in Title 12, Chapter 21, Sections 131-134, 1975 Code of Alabama.			
	Total Interpreter's Account	1,455		1,455
18.	LAW ENFORCEMENT FUND:			
(a)	Special Police Services Program			8,730
SOURCE OF FUNDS:				
(1)	State General Fund-Transfer	8,730		
	Total Law Enforcement Fund	8,730		8,730
19.	LAW ENFORCEMENT LEGAL DEFENSE:			
(a)	Legal Advice and Legal Services Program			2,910
SOURCE OF FUNDS:				
(1)	State General Fund	2,910		
	To carry out provisions of Act No. 259, 1957 Regular Session.			
	Total Law Enforcement Legal Defense	2,910		2,910
20.	MAILING TAX NOTICES:			
(a)	State Revenue Administration Program			194
SOURCE OF FUNDS:				
(1)	State General Fund	194		
	Total Mailing Tax Notices	194		194
21.	MATCHING FEDERAL FUNDS NOT OTHERWISE PROVIDED FOR:			
(a)	Special Services Program			49,470

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
SOURCE OF FUNDS:				
(1)	State General Fund	49,470		
	Total Matching Federal Funds Not Otherwise Provided For	49,470		49,470
22.	MENTAL HEALTH FUND, ALA- BAMA SPECIAL:			34,250,000
SOURCE OF FUNDS:				
(1)	State General Fund Transfer . . .	34,250,000		
	Total Ala. Spec. Men. Health Fund	34,250,000		34,250,000
23.	PRINTING OF LEGISLATIVE ACTS AND JOURNALS:			
(a)	Administrative Support Services Program, Estimated			198,850
SOURCE OF FUNDS:				
(1)	State General Fund	198,850		
	Total Printing of Legislative Acts and Journals	198,850		198,850
24.	PRINTING OF STATE AND COUN- TY PRIVILEGE LICENSES:			
(a)	State Revenue Administration Pro- gram			970
SOURCE OF FUNDS:				
(1)	State General Fund	970		
	Total Printing of State and County Privilege Licenses	970		970
25.	PUBLIC DEFENDERS:			
(a)	Court Operations Program (Includes employee benefits)			37,834
SOURCE OF FUNDS:				
(1)	State General Fund	37,834		
	For salaries of Public Defenders for the 21st Judicial Circuit, as pro- vided by Act No. 1158, 1969 Regular Session.			
	Total Public Defenders	37,834		37,834
26.	REGIONAL PLANNING COMMIS- SION			291,000
SOURCE OF FUNDS:				
(1)	State General Fund	291,000		
	Total Regional Planning Commis- sion	291,000		291,000
27.	REGISTRATION OF VOTERS:			
(a)	Special Services Program, Esti-			

Fund Sources Included In Appropriation Total			
	General Fund	Trust Funds	Appropriation Total
mated			550,000
SOURCE OF FUNDS:			
(1) State General Fund	550,000		
Total Registration of Voters	550,000		550,000
28. REMOVAL OF PRISONERS:			
(a) Special Police Services Program, Estimated			145,500
SOURCE OF FUNDS:			
(1) State General Fund	145,500		
Total Removal of Prisoners	145,500		145,500
29. RETIRED SENIOR CITIZEN VOL- UNTEER PROGRAM:			339,000
In addition to the programs currently funded by the funds allocated to the Retired Senior Citizens Volunteer Programs, the following programs will receive the same pro rata share of the total appropriation as received by the Retired Senior Citizens Volunteer Programs: Foster Grandparent Program-Decatur; Foster Grandparent Program-Birmingham; Foster Grandparent Program-Russelville; Foster Grandparent Program-Mobile; and the Senior Companion Program-Mobile.			
SOURCE OF FUNDS:			
(1) State General Fund	339,000		
Total Retired Senior Citizen Volunteer Program	339,000		339,000
30. STATE TREASURER-PREVIOUS YEAR'S UNPAID WARRANTS:			
(a) Special Services Program, Estimated			150,000
SOURCE OF FUNDS:			
(1) State General Fund	150,000		
Total State Treasurer-Previous Year's Unpaid Warrants	150,000		150,000
31. CENTER FOR BASIC SCIENCES REWARD FOR CYSTIC FIBROSIS AT THE UNIV. OF ALABAMA			100,000
SOURCE OF FUNDS:			
(1) State General Fund	100,000		

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
	Total Center for Basic Sciences Reward for Cystic Fibrosis	100,000		100,000
32.	CENTER FOR DIAGNOSIS AND TREATMENT OF CONGENITAL HEART DISEASE AT THE UNIV. OF ALABAMA IN BIRMINGHAM:			100,000
	SOURCE OF FUNDS:			
	(1) State General Fund	100,000		
	Total Center for Diagnosis and Treatment of Congenital Heart Disease	100,000		100,000
33.	FOR PAYMENT OF THE STATE'S SHARE OF ADMINISTRATION COST AND MATCHING GRANTS FURNISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY			
	There is hereby appropriated the sum of \$6,900,000 for such purpose. The above appropriation shall be conditional upon the condition of the State General Fund and upon the approval of the Governor.			
E.	FINANCIAL ASSISTANCE TO NON-STATE AGENCIES:			
1.	AMOS ALONZO STAGG BOWL:			
	(a) Tourism and Travel Promotion Program			3,735
	SOURCE OF FUNDS:			
	(1) State General Fund	3,735		
	Total Amos Alonzo Stagg Bowl	3,735		3,735
2.	APPALACHIAN REGIONAL COMMISSION:			
	(a) Planning Program			163,566
	SOURCE OF FUNDS:			
	(1) State General Fund	163,566		
	Total Appalachian Regional Commission	163,566		163,566
3.	ARMED FORCES DAY IN ALABAMA:			
	(a) Historical Resources Management Program			1,115
	SOURCE OF FUNDS:			
	(1) State General Fund	1,115		

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
	Total Armed Forces Day in Alabama	1,115		1,115
4.	ARMY AVIATION MUSEUM, FORT RUCKER, AL:			
	(a) Historical Resources Management Program			72,750
	SOURCE OF FUNDS:			
	(1) State General Fund	72,750		
	Total Army Aviation Museum, Fort Rucker, Alabama	72,750		72,750
5.	AZALEA TRAIL FESTIVAL, MOBILE:			
	(a) Tourism and Travel Promotion Program			2,075
	SOURCE OF FUNDS:			
	(1) State General Fund	2,075		
	Total Mobile Azalea Trail Festival	2,075		2,075
6.	BIG NANCE CREEK WATER MANAGEMENT DISTRICT:			
	(a) Water Resource Development Program			1,867
	SOURCE OF FUNDS:			
	(1) State General Fund	1,867		
	Total Big Nance Creek Water Management District	1,867		1,867
7.	BIRMINGHAM CHAMBER MUSIC SOCIETY:			
	(a) Fine Arts Program			2,075
	SOURCE OF FUNDS:			
	(1) State General Fund	2,075		
	Total Birmingham Chamber Music Society	2,075		2,075
8.	BIRMINGHAM FESTIVAL OF ARTS, INC.:			
	(a) Fine Arts Program			20,739
	SOURCE OF FUNDS:			
	(1) State General Fund	20,739		
	Total Birmingham Festival of Arts	20,739		20,739
9.	BLUE AND GRAY ASSOCIATION, INC.:			
	(a) Tourism and Travel Promotion			

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
	Program			7,469
	SOURCE OF FUNDS:			
(1)	State General Fund	7,469		
	Total Blue and Gray Association Inc.	7,469		7,469
10.	CHILTON COUNTY PEACH FESTIVAL:			
(a)	Tourism and Travel Promotion Program			7,708
	SOURCE OF FUNDS:			
(1)	State General Fund	7,708		
	Total Chilton County Peach Festival	7,708		7,708
11.	CHOCOLOCCO CREEK WATERSHED ASSOCIATION:			
(a)	Water Resource Development Program			2,910
	SOURCE OF FUNDS:			
(1)	State General Fund	2,910		
	Total Choccolocco Creek Watershed Association	2,910		2,910
12.	CHOCTAWHATCHEE RIVER WATERSHED ASSOCIATION, SOUTHEAST:			
(a)	Water Resource Development Program			1,867
	SOURCE OF FUNDS:			
(1)	State General Fund	1,867		
	Total Southeast Choctawhatchee River Watershed Association	1,867		1,867
13.	CIVIL AIR PATROL:			
(a)	Readiness and Recovery Program			29,100
	SOURCE OF FUNDS:			
(1)	State General Fund	29,100		
	Total Civil Air Patrol	29,100		29,100
14.	COOSA-ALABAMA RIVER IMPROVEMENT ASSOCIATION:			
(a)	Water Resource Development Program			10,379
	SOURCE OF FUNDS:			
(1)	State General Fund	10,379		
	Total Coosa-Alabama River Improvement Association	10,379		10,379

Fund Sources Included In Appropriation Total			
	General Fund	Trust Funds	Appropriation Total
15. COOSA RIVER ACTION COUNCIL, INC.:			
(a) Water Resource Development Pro- gram			8,294
SOURCE OF FUNDS:			
(1) State General Fund	8,294		
Total Coosa River Action Council Inc.	8,294		8,294
16. DEEP SEA FISHING RODEO, ALA- BAMA:			
(a) Tourism and Travel Promotion Program			1,246
SOURCE OF FUNDS:			
(1) State General Fund	1,246		
Total Ala. Deep Sea Fishing Ro- deo	1,246		1,246
17. DORSE, MARY E. RECREATION- AL AND EDUCATIONAL CENTER:			
(a) Financial Assistance Program . . .			4,850
SOURCE OF FUNDS:			
(1) State General Fund	4,850		
Total Mary E. Dorse Recreational and Educational Center	4,850		4,850
18. DYNNE CREEK WATERSHED CONSERVANCY DISTRICT:			
(a) Water Resource Development Pro- gram			1,867
SOURCE OF FUNDS:			
(1) State General Fund	1,867		
Total Dynne Creek Watershed Con- servancy District	1,867		1,867
19. ELK RIVER DEVELOPMENT A- GENCY:			
(a) Water Resource Development Pro- gram			6,208
SOURCE OF FUNDS:			
(1) State General Fund	6,208		
Total Elk River Development A- gency	6,208		6,208
20. ELYTON RECOVERY CENTER:			
(a) Non-Institutional Treatment and Care Program			150,350
SOURCE OF FUNDS:			
(1) State General Fund-Capital Im-			

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
	provement	150,350		
	Total Elyton Recovery Center . .	150,350		150,350
20A.	EAST ALABAMA CHILD DEVELOP- MENT PROGRAM:			1,000,000
	SOURCE OF FUNDS:			
(1)	State General Fund	1,000,000		
	Total East Ala. Child Dev. Pro- gram	1,000,000		1,000,000
21.	ENERGY BOARD, SOUTHERN STATES:			
(a)	Discovery and Development of Mineral, Energy and Water Re- sources, Geologic Research & Top- ographic Mapping Prog.			20,536
	SOURCE OF FUNDS:			
(1)	State General Fund	20,536		
	Total Southern States Energy Board	20,536		20,536
22.	FEDERATION OF SOUTHERN CO- OPERATIVES:			
(a)	Tourism and Travel Promotion Program (For Miss Black Alabama Pageant)			8,294
	SOURCE OF FUNDS:			
(1)	State General Fund	8,294		
	Total Federation of Southern Co- op.	8,294		8,294
22A.	FOREIGN TRADE RELATIONS COMMISSION:			
(a)	Special Services Program			75,000
	SOURCE OF FUNDS:			
(1)	State General Fund	75,000		
	Total Foreign Trade Relations Commission	75,000		75,000
23.	FOREST FESTIVAL, ALABAMA:			
(a)	Forest Information and Education Program			4,147
	SOURCE OF FUNDS:			
(1)	State General Fund	4,147		
	Total Alabama Forest Festival . .	4,147		4,147
24.	GENEVA COUNTY TOMATO FES- TIVAL:			
(a)	Tourism and Travel Promotion			

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
	Program			4,147
	SOURCE OF FUNDS:			
(1)	State General Fund	4,147		
	Total Geneva County Tomato Festival	4,147		4,147
25.	GEORGE LINDSEY CELEBRITY BENEFIT, INC.:			
(a)	Tourism and Travel Promotion Program			8,294
	SOURCE OF FUNDS:			
(1)	State General Fund	8,294		
	Total George Lindsey Celebrity Benefit, Inc.	8,294		8,294
26.	GULF SHORES TOURIST ASSOCIATION:			
(a)	Tourism and Travel Promotion Program			11,197
	SOURCE OF FUNDS:			
(1)	State General Fund	11,197		
	Total Gulf Shores Tourist Assoc.	11,197		11,197
27.	GUNTERSVILLE BOAT RACES:			
(a)	Tourism and Travel Promotion Program			10,091
	SOURCE OF FUNDS:			
(1)	State General Fund	10,091		
	Total Gunterville Boat Races	10,091		10,091
28.	HANK WILLIAMS MEMORIAL ASSOCIATION TO THE GREENVILLE LIBRARY:			
(a)	Historical Resources Management Program			4,147
	SOURCE OF FUNDS:			
(1)	State General Fund	4,147		
	Total Hank Williams Memorial Association	4,147		4,147
29.	HELEN KELLER PROPERTY BOARD:			
(a)	Historical Resources Management Prog.			25,000
	SOURCE OF FUNDS:			
(1)	State General Fund	25,000		
	Total Helen Keller Property Board	25,000		25,000

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
30.	INTERSTATE MINING COMMISSION:			
	(a) Planning Program			8,634
	SOURCE OF FUNDS:			
	(1) State General Fund	8,634		8,634
	Total Interstate Mining Commission	8,634		8,634
31.	JEEFERSON COUNTY SICKLE CELL FOUNDATION, INC.:			
	(a) Sickle Cell Education Program			29,100
	SOURCE OF FUNDS:			
	(1) State General Fund	29,100		
	Total Jeff. Co. Sickle Cell Found.	29,100		29,100
32.	JUNIOR MISS PAGEANT, INC., AMERICA'S:			
	(a) Tourism and Travel Promotion Program			20,000
	SOURCE OF FUNDS:			
	(1) State General Fund	20,000		
	Total America's Junior Miss Pageant	20,000		20,000
33.	KETCHEPEDRAKEE CREEK WATERSHED CONSERVANCY DISTRICT:			
	(a) Water Resource Development Program			1,867
	SOURCE OF FUNDS:			
	(1) State General Fund	1,867		
	Total Ketchepedrakee Creek Watershed Conservancy District	1,867		1,867
34.	LAKE EUFAULA SUMMER SPECTACULAR:			
	(a) Tourism and Travel Promotion Program			7,469
	SOURCE OF FUNDS:			
	(1) State General Fund	7,469		
	Total Lake Eufaula Summer Spectacular	7,469		7,469
35.	MOBILE CARNIVAL ASSOCIATION:			
	(a) Tourism and Travel Promotion Program			3,733

Fund Sources Included In Appropriation Total			
	General Fund	Trust Funds	Appropriation Total
SOURCE OF FUNDS:			
(1) State General Fund	3,733		
Total Mobile Carnival Association	3,733		3,733
36. MOBILE SICKLE CELL:			
(a) Sickle Cell Education Program . .			30,000
SOURCE OF FUNDS:			
(1) State General Fund	30,000		
Total Mobile Sickle Cell	30,000		30,000
37. MOTOR SPORTS HALL OF FAME:			
(a) Tourism and Travel Promotion Program			72,750
SOURCE OF FUNDS:			
(1) State General Fund	72,750		
Total Motor Sports Hall of Fame	72,750		72,750
38. MOUNTAIN LAKES TOURIST ASSOCIATION, ALABAMA:			
(a) Tourism and Travel Promotion Program			19,075
SOURCE OF FUNDS:			
(1) State General Fund	19,075		
Total Alabama Mountain Lakes Tourist Association	19,075		19,075
39. PEA RIVER HISTORICAL AND GENEALOGICAL SOCIETY:			
(a) Historical Resources Management Program			4,147
SOURCE OF FUNDS:			
(1) State General Fund	4,147		
Total Pea River Historical and Genealogical Society	4,147		4,147
40. PEA RIVER WATERSHED CONSERVANCY DISTRICT:			
(a) Water Resource Development Program			1,867
SOURCE OF FUNDS:			
(1) State General Fund	1,867		
Total Pea River Watershed Conservancy District	1,867		1,867
41. PEANUT FESTIVAL ASSOCIATION, INC., NATIONAL:			
(a) Tourism and Travel Promotion Program			9,952
SOURCE OF FUNDS:			

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
	(1) State General Fund	9,952		
	Total National Peanut Festival Association, Inc.	9,952		9,952
42.	PIKE COUNTY PIONEER MUSEUM ASSOCIATION:			
	(a) Historical Resources Management Program			4,147
	SOURCE OF FUNDS:			
	(1) State General Fund	4,147		
	Total Pike County Pioneer Museum Association	4,147		4,147
43.	PIMIENTO FESTIVAL:			
	(a) Tourism and Travel Promotion Program			829
	SOURCE OF FUNDS:			
	(1) State General Fund	829		
	Total Pimiento Festival	829		829
44.	RIVERBOAT COMMISSION, INC., MONTGOMERY:			
	(a) Tourism and Travel Promotion Program			18,673
	SOURCE OF FUNDS:			
	(1) State General Fund	18,673		
	Total Montgomery Riverboat Comm.	18,673		18,673
45.	SOUTHERN CHAMPIONSHIP CHARITY HORSESHOW:			
	(a) Tourism and Travel Promotion Program			4,147
	SOURCE OF FUNDS:			
	(1) State General Fund	4,147		
	Total Southern Championship Charity Horseshow	4,147		4,147
46.	SPIRIT OF AMERICA FESTIVAL, INC.:			
	(a) Tourism and Travel Promotion Program			3,735
	SOURCE OF FUNDS:			
	(1) State General Fund	3,735		
	Total Spirit of America Festival, Inc.	3,735		3,735
47.	SPORTS HALL OF FAME:			
	(a) Historical Resources Management			

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
	Program			27,645
	SOURCE OF FUNDS:			
	(1) State General Fund	27,645		
	Total Sports Hall of Fame	27,645		27,645
48.	STEER SHOW ASSOCIATION, ALABAMA STATE:			
	(a) Agricultural Development Services Program			14,550
	SOURCE OF FUNDS:			
	(1) State General Fund	14,550		
	Total Alabama State Steer Show Association	14,550		14,550
48A.	EAST ALABAMA SICKLE CELL ASSOCIATION:			
	(a) Sickle Cell Education Program			25,000
	SOURCE OF FUNDS:			
	(1) State General Fund	25,000		
	Total East Ala. Sickle Cell Assoc.	25,000		25,000
49.	TALLACOOSA HIGHLAND LAKES ASSOCIATION:			
	(a) Tourism and Travel Promotion Program			7,469
	SOURCE OF FUNDS:			
	(1) State General Fund	7,469		
	Total Tallacoosa Highland Lakes Association	7,469		7,469
50.	TALLASSEEHATCHIE CREEK WATERSHED CONSERVANCY DISTRICT:			
	(a) Water Resource Development Program			1,649
	SOURCE OF FUNDS:			
	(1) State General Fund	1,649		
	Total Tallaseehatchie Creek Watershed Conservancy District	1,649		1,649
51.	TENNESSEE RIVER VALLEY ASSOCIATION:			
	(a) Water Resource Development Program			11,611
	SOURCE OF FUNDS:			
	(1) State General Fund	11,611		
	Total Tennessee River Valley Assn.	11,611		11,611

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
52.	TENNESSEE VALLEY PUBLICITY AND IMPROVEMENT ASSOCIATION:			
	(a) Tourism and Travel Promotion Program			33,174
	SOURCE OF FUNDS:			
	(1) State General Fund	33,174		
	Total Tennessee Valley Publicity and Improvement Association . .	33,174		33,174
53.	TERRAPIN CREEK WATERSHED CONSERVANCY DISTRICT:			
	(a) Water Resource Development Program			1,867
	SOURCE OF FUNDS:			
	(1) State General Fund	1,867		
	Total Terrapin Creek Watershed Conservancy District	1,867		1,867
54.	TRAVEL COUNCIL, ALABAMA:			
	(a) Tourism and Travel Promotion Program			33,174
	SOURCE OF FUNDS:			
	(1) State General Fund	33,174		
	Total Alabama Travel Council . .	33,174		33,174
55.	TRI-RIVERS WATERWAY DEVELOPMENT ASSOCIATION:			
	(a) Water Resource Development Program			22,392
	SOURCE OF FUNDS:			
	(1) State General Fund	22,392		
	Total Tri-Rivers Waterway Development Association	22,392		
56.	VESTAVIA HILLS DOGWOOD FESTIVAL AND TRAIL:			
	(a) Tourism and Travel Promotion Program			2,000
	SOURCE OF FUNDS:			
	(1) State General Fund	2,000		
	Total Vestavia Hills Dogwood Festival and Trail	2,000		2,000
57.	VETERANS DAY COMMITTEE, NATIONAL:			
	(a) Historical Resources Management Program			5,810
	SOURCE OF FUNDS:			

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
(1)	State General Fund	5,810		
	Total National Veterans Day Committee	5,810		5,810
58.	VETERANS DAY IN ALABAMA:			
(a)	Historical Resources Management Program			1,659
	SOURCE OF FUNDS:			
(1)	State General Fund	1,659		
	Total Veterans Day in Alabama	1,659		1,659
58A.	W. C. HANDY PROPERTY BOARD			
	(In care of the Florence Historical Commission):			
(a)	Historical Resources Management Prog.			2,500
	SOURCE OF FUNDS:			
	State General Fund	2,500		
	Total W. C. Handy Property Board	2,500		2,500
59.	WOMEN'S HALL OF FAME, ALABAMA:			
(a)	Historical Resources Management Program			5,641
	SOURCE OF FUNDS:			
(1)	State General Fund	5,641		
	Total Alabama Women's Hall of Fame	5,641		5,641
60.	Y. M. C. A. YOUTH LEGISLATURE:			
(a)	Special Services Program			9,700
	SOURCE OF FUNDS:			
(1)	State General Fund	9,700		
	Total Y. M. C. A. Youth Legislature	9,700		9,700
61.	BIRMINGHAM INTERNATIONAL EDUCATIONAL FILM FESTIVAL:			
(a)	Special Services Program			10,000
	SOURCE OF FUNDS:			
(1)	State General Fund	10,000		
	Total Birmingham International Educational Film Festival	10,000		10,000
62.	SOUTHERN CENTER FOR INTERNATIONAL STUDIES, ANNUAL MEMBERSHIP:			
(a)	Special Services Program			25,000

		Fund Sources Included In Appropriation Total		Appropriation Total
		General Fund	Trust Funds	
SOURCE OF FUNDS:				
(1)	State General Fund	25,000		
	Total Southern Center for International Studies, Annual Membership	25,000		25,000
63.	SHELBY COUNTY HISTORICAL ASSOCIATION:			
(1)	Historical Resources Mngm. Prog.			5,000
SOURCE OF FUNDS:				
(1)	State General Fund	5,000		
	Total Shelby Co. Hist. Assoc.	5,000		5,000
64.	MOBILE EXPLOREUM:			
(1)	Historical Resources Mngm. Prog.			25,010
SOURCE OF FUNDS:				
(1)	State General Fund	25,010		
	Total Mobile Exploreum	25,010		25,010
F.	DEBT SERVICE FUNDED FROM THE GENERAL FUND:			
1.	General Obligation Capital Improvement Bonds, Series A and B, Estimated			1,133,135
SOURCE OF FUNDS:				
(1)	State General Fund	1,133,135		
	Total General Obligation Capital Improvement Bonds, Series A and B, Estimated	1,133,135		1,133,135
2.	General Obligation Coosa Waterway Bonds, Series A, Estimated			651,598
SOURCE OF FUNDS:				
(1)	State General Fund	651,598		
	Total General Obligation Coosa Waterway Bonds, Series A, Estimated	651,598		651,598
3.	General Obligation Docks Facilities Bonds, Series A and B, Estimated			2,817,000
SOURCE OF FUNDS:				
(1)	State General Fund	2,817,000		
	Total General Obligation Docks Facilities Bonds, Series A and B, Est.	2,817,000		2,817,000
4.	Inland Waterway Improvement Bonds, Series A through D, Estimated			435,160
SOURCE OF FUNDS:				
(1)	State General Fund	435,160		
	Total Inland Waterway Improve-			

Fund Sources Included In Appropriation Total		
General Fund	Trust Funds	Appropriation Total
ment Bonds, Series A through D, Est.		
435,160		435,160
5. Tennessee-Tombigbee Waterway Bonds, Series A and B, Estimated		
		886,435
SOURCE OF FUNDS:		
(1) State General Fund, Estimated pursuant to Constitutional Amendment No. CCLXX as provided in Act No. 248, 1967 Regular Session		
886,435		
Total Tennessee-Tombigbee Waterway Bonds Series A and B, Estimated		
886,435		886,435
6. Corrections Institution Bonds, Estimated		
		1,057,688
SOURCE OF FUNDS:		
(1) State General Fund, Estimated		
1,057,688		
Pursuant to Constitutional Amendment No. 374 as provided for in Act No. 134, 1978 Second Special Session.		
Total Corrections Institution Bonds		
1,057,688		1,057,688

Section 3.

A. Other General Appropriations:

- | | |
|----------------------------------------------------------------|--------|
| (1) Daughters of the American Revolution School, Grant Alabama | 7,500 |
| (2) Hurtsboro Tornado Relief Fund | 25,000 |

Section 4. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Section 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 40, Chapter 8, Sections 80-96, 1975 Code of Alabama and the Budget Management Act of 1976 (Act No. 494).

Section 5. That any surplus remaining in any appropriation

herein made from the State General Fund to any office, department, bureau, board, commission, or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission, or agency.

Section 6. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 7. No funds appropriated herein may be expended for rent, leases, contracts, or purchases of data processing equipment or services or for rent of any office space on any contract, lease, purchase or agreement made prior to September 30, 1981 for such items, unless approved or reapproved on or after October 1, 1981 by the Director of Finance.

Section 8. All appropriations for retirement, social security, and health insurance shall not be expended for any other purposes other than those specified. In the event that the amount of benefits actually incurred is more than the amount appropriated, a portion of the department's appropriation for operations may be expended for excess benefits.

Authority is hereby provided for any State agency to take advantage of the provisions of Section 209 (b) of the Social Security Act which provides for the exclusion of sick and disability pay from "wages" for purposes of the Social Security Act.

Section 9. Under the State and Local Financial Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, any interest earned by the State thereon, together with any accruals or reversions accruing from Revenue Sharing Investments are hereby appropriated for General Government to be spent at the discretion of the Governor.

Section 10. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appro-

priations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 11. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 12. That each Department of the State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 13. That this Act shall become effective October 1, 1981.

Approved May 27, 1981

Time: 4:30 P.M.

Act No. 81-860

S. 283—Mr. Gulledge

AN ACT

To amend Sections 10-2A-70 and 17-22-3 of the Code of Alabama 1975, relating to campaign contributions by corporations, so as to remove certain prohibitive language relating to the type of contributions that may be made by certain political committees and to provide further for said contributions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10-2A-70 of the Code of Alabama 1975 is hereby amended to read as follows:

“§ 10-2A-70.

“Any corporation, incorporated company or incorporated association, by whatever name it may be known, incorporated or organized under the laws of this state or doing business in this state, or any servant, agent, employee or officer thereof, who shall give, donate, appropriate or furnish, directly or indirectly, any money, securities, funds or property of said corporation, incorporated company or incorporated association for the purpose of aiding any political party or any candidate for any public office or any candidate for any nomination for any public office by any political party or who shall give, donate, appropriate or furnish, directly or indirectly, any money, security, funds or property of said corporation, incorporated company or association to any committee or person as a contribution to the expenses of any political party or any candidate, representative or committee of any political party or candidate for nomination by any

political party or any committee or other person acting in behalf of such candidate shall be guilty of a misdemeanor and, on conviction, shall be fined not less than \$100.00, nor more than \$2,000.00, at the discretion of the jury trying the case. Notwithstanding the provisions of this section, it shall not be unlawful for any business or nonprofit corporation, incorporated under the laws of or doing business in this state, or any officer or agent acting in behalf of such corporation to give, pay, expend or contribute money, services or anything of value for the purposes of establishing, administering or soliciting voluntary contributions to a separate, segregated fund to be utilized for political purposes as permitted by section 10-1-2. Provided, that no corporate funds will be a part of such separate, segregated fund.

Section 2. Section 17-22-3 of the Code of Alabama 1975 is hereby amended to read as follows:

“§ 17-22-3.

“It is a corrupt practice for any person directly or indirectly by himself or through any other person to commit any of the following acts:

“(1) Aid or procure the commission of any act forbidden to be done by the laws of this state relating to elections;

“(2) For any election inspector or other election officer to fail to perform any of the duties imposed upon him by law as such officer;

“(3) The commission of any crime or offense against the elective franchise, or the encouragement or assistance of a person in the commission of a crime or offense against the elective franchise or aiding or assisting any person charged with the commission of a crime or offense against the elective franchise to evade arrest or escape conviction and punishment for such crime or offense, or the providing wholly or in part for the expense of boarding, lodging or maintaining a person at any place or domicile in any election precinct for the purpose of securing the vote for himself or any other person or proposition or of registering any person as voter at any election held within this state, or the hiring or employment of a person to take or maintain a place in or otherwise obstruct or hinder or to prevent the forming of the line of voters awaiting their opportunity or time to enter the polling place of any election;

“(4) Demand, solicit, ask or invite any payment or contribution for any religious, charitable or other cause or organization supposed to be primarily for the public good from any candidate for nomination or election;

“(5) Demand, solicit, ask or invite any candidate for nomination or election for public office or party position or any political commit-

tee to subscribe for the support of any club or organization, or to buy tickets to any entertainment or ball or to pay for space in any book, program, periodical or publication. This shall not apply to the solicitation of any business advertising in periodicals in which the candidate was a regular advertiser prior to his candidacy, nor to ordinary business advertising, nor to the regular demands of any organization, religious, charitable or otherwise, of which he was a member, or to which he was a contributor for more than six months before his candidacy, or to any ordinary contributions at church services;

“(6) For any corporation or person, trustee or trustees, owning or holding a majority of stock of a corporation carrying on the business of a bank, savings bank, trust, trustee, savings indemnity, safety deposit, insurance, railroad, street railway, telephone, telegraph, gas, electric light, heat or power company, or any company having the right to condemn land or to exercise franchises in public ways granted by the state, county, city or town, to pay or contribute any money or value in order to aid or promote the nomination or election of any person, or in order to aid or promote the interest or success, or defeat, of any political party or political proposition;

“(7) For any business corporation incorporated under the laws of or doing business in this state, or any officer or agent acting in behalf of such corporation, to directly or indirectly give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or other valuable thing in order to aid, promote or prevent the nomination or election of any person, or defeat any question or proposition submitted to the vote of the people, or in order to aid, promote or antagonize the interests of any political party; or

“(8) For any person or persons or political committee to solicit or receive from such corporations any such gift, payment, expenditure or contribution, or any promise to give, pay, expend or contribute.

“Notwithstanding the provisions of this section, it shall not be unlawful for any business or nonprofit corporation, incorporated under the laws of or doing business in this state, any officer or agent acting in behalf of such corporation, or any entity described in subdivision (6) of this section, to give, pay, expend or contribute money, services or anything of value for the purposes of establishing, administering or soliciting voluntary contributions to a separate, segregated fund to be utilized for political purposes as permitted by section 10-1-2. Provided, that no corporate funds will be a part of such separate, segregated fund.

Section 3. It is the intent of the Legislature that the provisions of this Act shall not repeal nor be construed to repeal any provision of Act No._____, S. 600, 1981 Regular Session. Provided further,

however, notwithstanding any provision of this Act or any other law to the contrary, it shall be legal and permissible for any corporation, other than a public utility that is regulated by the Public Service Commission, whether for profit or non-profit, incorporated under the laws of or doing business in this state, to directly give, pay, expend, or contribute, any money or other valuable thing in any amount not to exceed \$500 to any one candidate or political party or political committee. It shall also be legal and permissible for nonprofit corporations to directly give, pay, extend, or contribute, any money or other valuable thing in any amount in order to aid, promote or defeat any question or proposition submitted to the vote of the people.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 4:30 P.M.

Act No. 81-861

S. 135—Mr. Higginbotham

AN ACT

To amend Code of Alabama, 1975, § 16-13-52, to authorize the State Superintendent of Education to approve an alternate four month reporting period of student attendance for the purpose of determining the number of teachers earned under the minimum program formula.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama, 1975, § 16-13-52, is hereby amended to read as follows:

“§ 16-13-52. Determining number of teacher units for purpose of apportioning minimum school program fund.

In determining the number of teacher units to be allowed a county or an independent city for the purpose of apportioning the minimum program fund, one teacher unit shall be allowed for each 28 pupils in average daily attendance, during the first four scholastic months of the preceding school year in all the public schools of the county, including schools in the independent cities therein; provided, that those systems which show an increase in average daily attendance during the first four scholastic months of the current year may be allowed one additional teacher unit for each 28 pupils in such increase in average daily attendance for such current year. In the event of natural disaster, epidemic or other occurrence that may cause

pupil average daily attendance during the first four scholastic months of the school year to be abnormal and below usual and customary levels, the affected school board may petition the State Superintendent of Education to seek his approval of the use of an alternate four month reporting period during the same scholastic year. The State Superintendent of Education shall be authorized to approve such petitions after proper examination of the facts and evidence presented."

Section 2. All laws or parts of laws which are in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 4:30 A.M.

Act No. 81-862

S. 276—Mr. Bailey

AN ACT

To amend Section 27-8-1 through 27-8-8, 27-8-11 through 27-8-17, 27-8-20 through 27-8-22, and 27-8-26 through 27-8-28, Code of Alabama 1975, which provide for the licensing of life and disability insurance agents, brokers and representatives, so as to provide further for said licensing; to require educational instruction for new representatives; to permit the licensing of partnerships and corporations; to establish a fee schedule for licenses; to provide further for revocation or suspension of licenses and the procedure thereof; and to further provide for the issuance of temporary and nonresident licenses.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 27-8-1 through 27-8-8, 27-8-11 through 27-8-17, 27-8-20 through 27-8-22, and 27-8-26 through 27-8-28, Code of Alabama 1975, are hereby amended to read as follows:

" § 27-8-1. Definitions.

"(a) An agent is a natural person, partnership or corporation appointed and authorized by an insurer to solicit applications or to negotiate for insurance or annuity contracts and to deliver policies or contracts on its behalf and, if authorized to do so by the insurer, to collect premiums in connection therewith.

"(b) The term 'agent' does not include any of the following:

"(1) Any regular salaried officer or employee of an insurer or agent who does not solicit or accept from the public applications for

any such insurance or contracts;

“(2) A ticket-selling agent of a common carrier who sells accident insurance tickets to individuals;

“(3) Any regular salaried officer or employee of an insurer who renders assistance to, or on behalf of, a licensed agent of the insurer, if such officer or employee devotes substantially all of his time to activities other than the solicitation of applications for insurance or annuity contracts and receives no commission or other compensation directly dependent upon the amount of business obtained; or

“(4) Persons who secure and furnish information for the purpose of group life insurance, group or blanket health insurance or annuity coverages, or for enrolling individuals under such plans or issuing certificates thereunder or otherwise assisting in administering such plans where no commission is paid for such services.

“(c) An insurance broker is any individual, partnership or corporation who, for compensation, not being a licensed agent for the company in which a policy of insurance is placed, acts or aids in any manner in placing risks or affecting insurance for a party other than himself or itself. An individual, partnership or corporation not licensed as an insurance broker who solicits a policy of insurance to or on behalf of others or transmits for others an application for a policy of insurance to or from an insurance company, or offers or assumes to act in the negotiations of such insurance, shall be an insurance broker within the intent of this Chapter, and shall thereby become liable for all the duties, requirements, liabilities and penalties to which such licensed brokers are subject.

“(d) Each applicant for an insurance broker’s license must have had not less than two (2) years’ experience as an insurance agent or in comparable employment for an insurance company, agency or brokerage firm during the three (3) years immediately next preceding the date of application.

“(e) An applicant for a broker’s license shall pay an annual fee of \$26.00 plus an initial filing fee of \$10.00.”

“ § 27-8-2. Applicability of Chapter.

“This chapter applies only as to agents and other insurance representatives and to brokers as defined in this chapter with respect to life insurance and annuity contracts and to disability insurance where written by an insurer authorized to transact disability insurance only or authorized to transact also life insurance, whether operating on a stock, mutual, reciprocal, fraternal, hospital or medical service plan.”

“§ 27-8-3. License — Requirements; forms.

“(a) No person shall in this state be, act as, hold himself out as or claim to be, or act as, an agent or broker unless then licensed as an agent or broker under this chapter.

“(b) The commissioner shall prescribe and furnish on request all forms required in connection with application for issuance or termination of licenses.”

“§ 27-8-4. Same — Qualifications; duties.

“(a) For the protection of the people of this state, the commissioner shall not issue, continue or permit to exist any agent or broker license for and on behalf of any natural person unless such person is in compliance with this chapter as follows:

“(1) Must be a citizen of the United States of America, or Canada or a permanent resident under United States immigration laws and a resident of this state except as to licenses issued to nonresidents under section 27-8-22;

“(2) Must be trustworthy, of good moral character and not have been convicted of a felony or of any crime involving moral turpitude, unless fully pardoned with restoration of civil rights;

“(3) Must have had sufficient education, experience and training to make him reasonably competent to fulfill the responsibilities of a licensed agent or broker;

“(4) Must intend to, and commencing after issuance of the license shall during the existence of the license, actively engage as to the general public in the business permitted under the licenses;

“(5) Must not use, or intend to use, the license principally for the purpose of procuring insurance on his own risks or interests or those of his relatives, to the second degree, or the officers, directors, stockholders, partners or employees of any partnership, association or corporation of which he or a member of his family is an officer, director, substantial stockholder, partner or employee;

“(6) Must not use, or intend to use, the license principally for the purpose of procuring or assisting in the procurement of insurance on the lives of customers of a retail merchandise establishment or department store which does not maintain at least one place of business in the state where the credit facilities of such retail merchandise establishment or department store are used by the customers for the payment of premiums on such insurance and where such establishment or store, or the owners, officers, directors or employees thereof, receive, directly or indirectly, any commission or other valuable

consideration for the writing of such insurance or the collecting of premiums thereon from the agent, broker, or the insurer. This subdivision shall not apply to credit life or credit disability insurance;

“(7) Must pass any written examination for the license required under this chapter; and

“(8) Must, if a partnership or corporation, be organized under the laws of this state and the transaction of the insurance business under the license is within the purposes stated in the partnership’s partnership agreement or the corporation’s articles.

“(b) Every agent who solicits an application for insurance of any kind shall, in any controversy between the insured or his beneficiary and the insurer be regarded as representing the insurer and not the insured or his beneficiary.

“(c) Every insurance broker who solicits an application for insurance of any kind shall, in any controversy between the insured or his beneficiary and the insurer issuing any policy upon such application, be regarded as representing the insured or his beneficiary and not the insurer; except any company which directly or through its agents delivers in this state to any insurance broker a policy of insurance pursuant to the application or request of such broker, acting for an insured other than himself, shall be deemed to have authorized such broker to receive on its behalf payment of any premium which is due on such policy of insurance at the time of its issuance or delivery.”

“§ 27-8-5. Same – Application; statement of insurer; filing fee; bond filing.

“(a) The commissioner shall not issue any license except upon application therefor as provided in this section. Each applicant for a license as an agent or broker shall file with the commissioner his written application therefor signed by him, verified by his oath and showing:

“(1) Applicant’s full name, residence, age, occupation and place of business for five years next preceding the date of the application;

“(2) Whether applicant has ever held a license to solicit insurance contracts in any state;

“(3) Whether applicant has ever been refused or has had suspended or revoked any license to solicit insurance contracts in any state;

“(4) What insurance experience, if any, he has had;

“(5) What instruction in insurance and in the insurance laws

of this state he has had or expects to have;

“(6) Whether any insurer claims that applicant is indebted to the insurer under any agency contracts or otherwise and, if so, the name of the claimant, nature of the claim and applicant’s defense thereto;

“(7) Whether applicant has had any agency contract cancelled and, if so, when, by what insurer and the reasons for the cancellation;

“(8) Whether applicant will devote all, or part of, his efforts to acting as an insurance agent and, if part time only, how much time he expects to devote to work as an agent or broker, and in what other business, or businesses, he is engaged or employed;

“(9) Whether, if applicant is married, the spouse has ever applied for or held a license to solicit insurance in any state and whether any such license has ever been refused, suspended or revoked; and

“(10) Such other information as the commissioner may reasonably require.

“(b) The application for an agent’s license shall be accompanied by a certificate on forms furnished by the commissioner and signed by an officer or duly authorized representative of the insurer stating, if true, that the insurer has investigated the character and background of the applicant and is satisfied that he is trustworthy and qualified to act as its agent and to hold himself out in good faith to the general public as an agent and that the insurer desires that the applicant be licensed as an agent of the insurer as defined in section 27-8-1(a).

“(c) If the applicant for an agent’s or broker’s license is a partnership or corporation, the application shall show, in addition, names of every member of the partnership and every officer, director, stockholder and employee of the corporation personally engaged in this state in soliciting or negotiating policies of insurance. Each such member, officer, director, stockholder or employee shall furnish information with respect to himself, as part of the application, as though for an individual license and shall otherwise meet the requirements for an individual license.

“(d) Partnerships and corporations shall file their organizational documents with the commissioner accompanied by an initial filing fee of \$25.00. The license shall continue in effect, subject to an annual fee of \$25.00, unless cancelled, suspended, or revoked. Each partnership and corporation shall file with the commissioner any change in its organization accompanied by a fee in the amount of \$5.00.

“(e) When filed, the application shall be accompanied by the

examination filing fee specified in section 27-4-2, if the applicant is subject to an examination under this chapter. Any such fee shall not be subject to refund, whether or not the applicant in fact takes an examination. An additional license fee shall be paid as to each individual included in the application for a partnership or corporation license.

“(f) Prior to issuance of a license as an insurance broker, the applicant shall file with the commissioner, and thereafter for as long as the license remains in effect, shall keep in force a bond in the penal sum of not less than twenty thousand dollars (\$20,000) with an authorized corporate surety approved by the commissioner. The aggregate liability of the surety for any and all claims on any such bond shall in no event exceed the penal sum thereof. No such bond shall be terminated unless at least thirty (30) days’ prior written notice thereof is given by the surety to the licensee and the commissioner. Upon termination of the license for which the bond was in effect, the commissioner shall notify the surety within ten (10) working days.

“(g) All surety protection under this section is to inure to the benefit of the aggrieved parties.”

“§ 27-8-6. Same — Examination — Requirement; initial educational requirements; exception.

“(a) After completion of the educational requirements of 6(c) of this section and filing of the application for license as required under section 27-8-5, each applicant for a license as agent or broker shall submit to a personal written examination to determine his competence to be an agent or broker and his familiarity with the pertinent provisions of the insurance laws of this state and shall pass the same to the satisfaction of the commissioner; except, that no such examination or initial educational requirements specified in (c) below shall be required of:

“(1) An applicant for renewal or continuation of a license, unless the commissioner determines that an examination is necessary to establish the competency of the applicant;

“(2) An applicant whose license is limited to acting only as an agent with respect to life, health and accident insurance on borrowers or debtors, commonly known as credit life, health and accident insurance, if such applicant is a full-time employee of the institution granting the credit;

“(3) An applicant whose license is limited to acting as an agent with respect to ticket travel accident policies;

“(4) In the commissioner’s discretion, an applicant whose license was suspended or otherwise terminated less than two years prior to the date of application;

“(5) An applicant for a broker’s license who holds a valid agent’s license;

“(6) An applicant for an agent’s license who holds a valid broker’s license; or

“(7) An applicant holding the designation, Chartered Life Underwriter.

“(b) If the applicant is a partnership or corporation the examination shall be taken and initial educational requirements met by each individual who is to be designated in the license as having authority to act for the applicant under the license.

“(c) An applicant for agent’s license, prior to examination, shall be required to complete successfully forty (40) hours of classroom instruction or the equivalent thereof, in the broad principles of insurance, no fewer than (5) hours of which shall be on the licensing and regulatory laws of the state and the obligations and duties of an agent. Said instruction may be offered by a school, college, university or bona fide educational school or program operated by an insurance company or by an insurance association. The insurance commissioner shall with the advice of the agency advisory board approve and certify any such course as being acceptable for the purposes of this section.”

“§ 27-8-7. Same – Same – Rules and regulations; preparations; assistance of testing institutions.

“(a) The commissioner shall establish rules and regulations with respect to:

“(1) The classification of applicants according to the type of insurance to be effected by them;

“(2) The scope, type and conduct of written examinations; and

(3) The times and places within the state for the holding of such examinations. An applicant shall be permitted to take an examination once in each two weeks in the principal office of the commissioner, and an examination shall be held at least as often as once in each three months in each congressional district.

“(b) Such rules and regulations shall classify applicants for purposes of this section as follows:

“(1) Those desiring to write life insurance;

“(2) Those desiring to write disability insurance;

“(3) Those desiring to write any combination of the above classifications; and

“(4) Such other classifications as, in the opinion of the commissioner, are necessary or appropriate.

“(c) Examinations shall be prepared and given in those subjects only which pertain to the classification, or classifications, which apply to the applicant, and no applicant shall be required to take an examination on a subject, or subjects, pertaining to any other classification. Prior to the examination, the commissioner shall value each question to be asked therein, and the sum of such values shall total 100. Each of the answers given shall correspondingly be valued proportionately to its correctness, and the sum of such values totaling 70 shall constitute a passing grade. An applicant shall have the right to be examined as to all of such classifications in the same examination and shall be required to pay but one examination application filing fee therefor.

(d) The commissioner shall not contract with any qualified educational testing institutions for preparation, analysis or grading of the written portions of the examination.

“§ 27-8-8. Same — Same — Textbooks, manuals and other materials.

“The rules and regulations of the commissioner shall designate textbooks, manuals and other materials to be studied by applicants in preparation for examinations in each classification designated by the commissioner pursuant to section 27-8-7. Such textbooks, manuals or other materials may consist of matter available to applicants by purchase from the publisher or may consist of matter prepared at the direction of the commissioner and distributed to applicants upon request and payment of the reasonable cost thereof. If textbooks, manuals or other materials are so designated or prepared by the commissioner, all examination questions shall be prepared from the contents of such textbooks, manuals or other materials.”

“§ 27-8-11. Same — Same — Agency advisory board.

“The commissioner may appoint an agency advisory board, as an aid to the efficient administration of this chapter, to consult with individuals experienced in the life and disability insurance business, to include officers, employees, managers, and licensed agents of insurers engaged in such business and brokers, to the end that an orderly and effective program be developed as to scope, type and conduct of written examinations, as to the acceptability of courses of instruction under section 27-8-6(c) and the times and places in the state where the examinations shall be held.”

“§ 27-8-12. Same — Issuance or refusal.

“(a) If the commissioner finds, after the successful completion of the initial educational requirement, the completion of the applica-

tion therefor, and successful passing of any examination required under this chapter, that the applicant is fully qualified and entitled thereto under this chapter, and upon payment of the license fee specified in section 27-4-2, the commissioner shall promptly issue to the applicant the license to which he is so entitled.

“(b) If the commissioner finds that the applicant is not qualified for, or entitled to, the license under the provisions of this chapter or that he failed to complete the initial educational requirement or to pass any examination required of him, he shall promptly give written notice to the applicant and, if applicable, the insurer by whom the applicant was sponsored that the licensed is refused, stating the reasons therefor.”

“ § 27-8-13. Same – Content; number.

“(a) Licenses shall state the name and address of the licensee, the kinds of insurance or classifications thereof covered by the license, date of issue and of expiration and the general conditions of the license.

“(b) An agent with a license in force may solicit applications for policies of life insurance on behalf of an insurer with respect to which he is not a licensed agent, provided that such agent submits an application for appointment as an agent of such insurer simultaneously with the submission to such insurer of the application for insurance solicited by him, and provided further, that no commissions shall be paid by such insurer to the agent until such time as an additional license with respect to such insurer has been issued to the agent.

“(c) The commissioner may, upon request, issue a single license covering all of the kinds of insurance and classifications thereof transacted by the same insurer.”

“ § 27-8-14. Same – Issuance of additional licenses.

“The commissioner may issue additional licenses to any agent when requested by an official or duly authorized representative of an insurer. Any such additional license shall be limited to the class, or classes, for which the agent holds a license.

“ § 27-8-15. Same – Continuation and expiration; filing of annual statements and fees.

“(a) All licenses issued under this chapter, other than temporary licenses issued after this chapter, other than temporary licenses issued under section 27-8-21, shall continue in force until expired, suspended, revoked or otherwise terminated, but subject to payment to the commissioner annually by the insurer, on or before December 31, of the applicable continuation fee, as stated in section 27-4-2 or section

28-8-5(d) and, with respect to an agent's license, accompanied by the insurer's written request and payment of the fee for such continuation.

“(b) Any license as to which the request for continuation and fee is not received by the commissioner as required under subsection (a) of this section, shall be deemed to have expired at midnight on December 31, mentioned in subsection (a) of this section. Request for continuation of any such license or payment of the continuation fee therefor which is received by the commissioner after such December 31, and prior to the next following February 15, may be accepted and effectuated by the commissioner, in his discretion, if accompanied by a continuation fee in twice the amount otherwise required.

“(c) Annually, prior to December 31, each insurer shall file with the commissioner an alphabetical list of the names and addresses of all its agents whose licenses in this state are to continue in effect, accompanied by payment of the annual continuation fee referred to in subsection (a) of this section. At the same time, the insurer shall also file with the commissioner an alphabetical list of the names and addresses of all its agents whose licenses in this state are not to remain in effect and shall give written notice thereof to all such agents where reasonably possible.

“(d) If so requested by the commissioner, the insurer shall, as to each agent whose license is to be continued as provided in this section, file with the commissioner a statement, upon forms prescribed and furnished by the commissioner, showing whether the agent devotes all or part of his efforts to his work as agent and, if part only, how much time he devotes to such work and in what other business, or businesses, he is engaged or employed.”

“§ 27-8-16. Same — Refusal to renew or continue or suspension or revocation — Grounds.

“(a) The commissioner may, after notice and hearing as provided in section 27-8-17, refuse to renew or continue or may suspend or revoke a license for any cause for which he could have refused to issue the license had such cause then existed and been known to the commissioner or if he finds that the licensee has:

“(1) Willfully violated any provisions of this title;

“(2) Intentionally made a material misstatement in the application for license;

“(3) Obtained or attempted to obtain the license by fraud or misrepresentation;

“(4) Misappropriated or converted to his own use or illegally withheld money belonging to an insurer or an insured or beneficiary;

“(5) Otherwise demonstrated lack of trustworthiness or competence to act as an agent or broker;

“(6) Been guilty of fraudulent or dishonest practices;

“(7) Materially misrepresented the terms or conditions or insurance policies or contracts;

“(8) Made, issued or caused to be made or issued any statement misrepresenting or making incomplete comparisons regarding the terms or conditions of any insurance or annuity contract legally issued by any insurer for the purpose of inducing, or attempting to induce, the owner of such contract to forfeit, cancel or surrender such contract or allow it to lapse for the purpose of replacing such contract with another;

“(9) Obtained such license not for the purpose of holding himself out to the general public as an agent or broker, but primarily for the purpose of soliciting, negotiating or procuring insurance or annuity contracts covering himself or members of his family or others, in violation of subdivision (a)(5) of section 27-8-4;

“(10) Obtained such license not for the purpose of holding himself out to the general public as an agent or broker, but primarily for the purpose of soliciting, negotiating or procuring insurance on the lives of customers of a retail merchandise establishment or department store which does not maintain at least one place of business in this state where the credit facilities of such retail merchandise establishment or department store are used by the customer for the payment of premiums on such insurance and where such establishment or store or the owners, officers, directors or employees thereof receive, directly or indirectly, any commission or other valuable consideration for the procuring of such insurance or the collecting of premiums thereon from the agent or broker or from the insurer; except, that this subdivision shall not apply to credit life or credit disability insurance; or

“(11) Does not possess cash and accounts receivable for insurance premiums owing the licensee in an amount equal to, or in excess of, the accounts payable by the licensee for insurance premiums. Such accounts receivable shall not include insurance premiums owing the licensee more than 120 days after the last day of the month in which the insurance was effective.

“(b) The license of a partnership or corporation may be suspended, revoked, or refused if the commissioner finds, after hearing, that an individual licensee's violation was known or should have been known by one or more of the partners, officers or managers acting on behalf of the partnership or corporation and such violation was

not reported timely to the insurance department nor corrective action taken in relation thereto."

" § 27-8-17. Same – Same – Proceedings; appeal of order.

"(a) Before any license shall be suspended or revoked or the renewal thereof refused, the commissioner shall give notice of his intention so to do and the reasons therefor by registered or certified mail to the licensee and the insurer whom he represents. The licensee may make written demand upon the commissioner within thirty (30) days for a hearing before the commissioner to determine the reasonableness of the commissioner's action. Upon such a request, the commissioner shall set a date not less than 30 days from the date of receipt of the written demand when the licensee and if applicable, a duly authorized representative of the insurer, may appear to be heard and produce evidence. Upon termination of such hearing, findings shall be reduced to writing and, upon approval by the commissioner, shall be filed in his office and notice of the findings sent by registered or certified mail to the licensee and the insurer concerned.

"(b) Any party to such a hearing who is aggrieved by any order of the commissioner suspending, revoking or refusing to renew a license may appeal therefrom as provided in section 27-2-32."

" § 27-8-20. Same – Relicensing after revocation.

"No licensee whose license has been revoked shall be entitled to file another application for a license as an agent or broker within one year from the effective date of such revocation or, if judicial review of such revocation is sought, within one year from date of final court order or judgment affirming the revocation. Such application, when filed, may be refused by the commissioner unless the applicant shows good cause why the revocation of his license shall not be deemed a bar to the issuance of a new license."

" § 27-8-21. Temporary licenses.

"(a) The commissioner, if satisfied that the applicant is otherwise qualified for a license under this chapter, shall issue a temporary license to an applicant for license pending completion of the examination required under section 27-8-6. A temporary license shall not be effective for more than three months. The commissioner, in his discretion, may renew a temporary license issued under this section one time upon proper application and for good cause. A temporary license may be terminated for cause pursuant to the provisions of this chapter.

"(b) The temporary license shall be issued immediately, upon receipt by the commissioner of an application executed by such person in the form required by section 27-8-5, together with the applicable

license fee specified in section 27-4-2, and a certificate signed by an officer or properly authorized representative of the insurer stating, to the extent true:

“(1) That the insurer has investigated the character and background of such person and is satisfied that he is trustworthy;

“(2) That such person has been appointed, or is being considered for appointment by the insurer, as a full-time agent; and

“(3) That the insurer desires that such person be issued a temporary license.

“(c) The commissioner shall refuse to issue such license to applicants of any insurer where more than 25% of the applicants for a license for such insurer have repeatedly and without good cause failed to appear for the required examination during the preceding twelve-month period.

“(d) If a temporary license is not received from the commissioner within ten days from the date on which the application and certificate were delivered to or placed in the United States mail properly addressed to the attention of the commissioner, the insurer may assume that the temporary license will be issued in due course and may continue such person in its employment until notified by the commissioner to the contrary.

“(e) A temporary license shall be granted only to an applicant who intends to engage exclusively as an agent.”

“ § 27-8-22. Nonresident agents.

“(a) The commissioner may issue a license as agent to an individual who is otherwise qualified for such license under this chapter, but is not a resident of this state, if the state in which such person resides accords the same privilege to residents of this state.

“(b) The commissioner has authority to enter into reciprocal agreements with the appropriate official of any other state waiving the initial educational requirements or the written examination of any applicant resident in such other state if:

“(1) A comparable initial educational requirement or written examination is required of applicants for an agent's license in such other state; and

“(2) The appropriate official of such other state certifies that the applicant holds a currently valid license as an agent in such other state and has passed a written examination or met the initial educational requirements or both or was the holder of an agent's license prior to the time a written examination was required; and

“(3) In such other state, a resident of this state is privileged to procure an agent’s license upon the foregoing conditions and without discrimination as to fees or otherwise in favor of the residents of such other state.

“(c) No such applicant or licensee shall have a place of business within this state for the transaction of business as such an agent.

“(d) If under the laws of the other state requirements as to counter-signature, division of commissions, solicitation with a resident agent or as to other matter, other than amount of license fee, are imposed upon residents of this state transacting business as insurance agents in such state, then the commissioner shall impose similar requirements as to residents of such state soliciting business as nonresident agents in this state.

“(e) Section 27-7-29, relative to service of process, shall apply also to nonresident agents licensed under this section.

“(f) For the purposes of this section, the word ‘state’ shall be construed as including any province of Canada.”

“ § 27-8-26. Notice of business address or other change.

“(a) Every agent or broker shall promptly notify the commissioner in writing of any change of his principal business or residency address.

“(b) A corporation or partnership licensee shall within ten working days notify the commissioner of every change relative to the licensees associated with the corporation or partnership or of any change in the name of the corporation or of any change in the name or membership of the partnership.”

“ § 27-8-27. Payment of commission or other valuable consideration to unlicensed persons not allowed; exceptions.

“(a) No insurer, or agent, or broker shall pay, directly or indirectly, any commission or other valuable consideration to any person for services as an agent or broker within this state unless such person holds a currently valid license as an agent or broker as to the kind or class of business involved as required by this chapter.

“(b) Any insurer, agent, or broker violating this section shall be liable for a fine in an amount of up to three times the amount of the commission paid. Such fine shall be levied and collected by the commissioner. Upon failure to pay such fine the commissioner may, in his discretion, revoke the license of the agent or broker, or the insurer’s certificate of authority, or both.

“(c) The provisions of this section shall not prevent:

“(1) Payment of renewal or other deferred commissions to any person solely because such person has ceased to hold a license to act as an agent or broker;

“(2) Payment to the personal representative of a deceased agent or broker; and

“(3) Payment of any commission or any other valuable consideration by an insurer, agent, or broker to a person who has been appointed as its full-time agent and has applied for a temporary license pursuant to section 27-8-21, pending issuance of a permanent license.

“(d) No insurer, agent or broker shall pay, directly or indirectly, any commission or other valuable consideration to any retail merchandise establishment or department store or to any of the owners, officers, directors or employees thereof for services in connection with procuring or assisting in the procurement of individual insurance on the lives of customers of such retail merchandise establishment or department store where the revolving credit facilities of such establishment or store are used by the customer for the payment of premiums on such insurance; except, that nothing contained in this title shall prohibit the payment of such commissions or other consideration where the contracting of said insurance and the financing thereof is not prohibited by the provisions of this title. This subsection shall not apply to credit life or credit disability insurance.”

“ § 27-8-28. Accounting for and payment of trust funds by licensees.

“(a) All premiums, return premiums or other funds belonging to others received by an agent or broker in transactions under his license shall be trust funds so received by the licensee in a fiduciary capacity, and the licensee shall promptly account for and pay the same to the insurer, insured or other person entitled thereto.

“(b) Any agent or broker who, not being lawfully entitled thereto, diverts or appropriates such funds, or any portion thereof, to his own use shall, upon conviction, be guilty of larceny by embezzlement and shall be punished as provided by law as if he had stolen such funds.”

Section 2. This Act shall become effective October 1, 1981, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 4:30 P.M.

Act No. 81-863

S. 459—Messrs. White, Proctor and
Holmes

AN ACT

To amend the "Hazardous Wastes Management Act of 1978" so as to enlarge and prescribe the remedies and civil and criminal penalties for contamination of groundwater or other violations of the Act or the rules and regulations promulgated thereunder and to require that operators of hazardous waste storage or treatment facilities and hazardous waste disposal sites must post bonds or provide other acceptable financial assurances payable to the State of Alabama conditioned upon compliance with the Act and the rules and regulations promulgated thereunder.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-30-16 of the Code of Alabama, 1975, is hereby amended to read as follows:

The operator of a hazardous waste storage or treatment facility and/or hazardous waste disposal site shall be responsible for:

Obtaining a permit from the board for each disposal site.

(2) Acknowledging receipt of the hazardous waste accompanied by the manifest;

(3) Assuring that all hazardous wastes are stored, treated and/or disposed of in accordance with the applicable rules and regulations, standards, criteria and guidelines promulgated by the board;

(4) Maintaining records of all hazardous wastes stored, treated and/or disposed of and report any new processing or disposal monthly;

(5) Developing contingency plans for effective action to minimize unanticipated damage for treatment, storage or disposal of hazardous waste;

(6) Satisfactory reporting, monitoring and inspection of compliance with the manifest system;

(7) Compliance with rules and regulations of the board concerning the location, design and construction of such hazardous waste treatment, disposal or storage facilities;

(8) Posting a bond, or other surety or form of financial assurance acceptable to the board, payable to the State of Alabama in the amount of \$1,000,000.00, or such other amount as may be required by the board, but in no event shall said bond or such other financial assurance be in an amount less than that required by the United States Environmental Protection Agency. Said bond or other financial assurance shall be conditioned upon compliance with this act, and the rules, regulations, orders or other requirements as may be pro-

mulgated by the board; and

(9) The maintenance and operation of such facilities and observance of such additional qualifications as to ownership, methods and operation, training of personnel and financial responsibility as may be deemed necessary or desirable by the board.

Section 2. Section 22-30-19 of the Code of Alabama 1975, is hereby amended to read as follows:

(a) Whenever the board determines that any person is in violation of any requirement or standard under this chapter or rules or regulations issued hereunder the board shall give written notice to such party of such violation.

(b) If such violation extends beyond the thirtieth day after notification by the board, the board may issue an order requiring compliance within a specified time period, or, in cases where imminent danger to public health and safety is demonstrated, suspend operations causing such danger until the board determines that adequate steps are being taken to correct such violations; or the board may commence a civil action in the circuit court in the county in which such alleged violation occurred, for appropriate relief, including temporary or permanent mandatory or prohibitive injunctive relief.

(c) Without regard to the thirty day waiting period in subsection (b) of this section, in cases of imminent danger or irreparable damage to public health or safety, the board at any time prior to the expiration of the thirtieth day after notification of violation, may commence an immediate civil action in the circuit court in the county in which such alleged violation occurred, for appropriate relief, including temporary or permanent mandatory or prohibitive injunctive relief.

(d) Any order issued under this section shall state the nature of the violation and the time period within which compliance is required. The amount of any civil monetary penalty sought shall be determined by the board on the basis of the seriousness of the violation and whether any good faith efforts were or are being made to comply with the applicable requirements or standards. If a persons fails to take the corrective action required within the time specified in an order issued pursuant to subsection (b) of this section he shall be liable for civil monetary penalties of not more than \$25,000.00 each day for the violation complained of in such order. The board may adopt such assessment procedures as may be promulgated or approved by the United States Environmental Protection Agency or other such federal agencies; and the board may suspend or revoke any permit issued to the violator.

(e) Any order of suspension or revocation of a permit shall become final unless the person named in such suspension or revocation order requests a hearing within 30 days after the order or notice of suspension or revocation is served upon such person or persons. Upon such request, the board shall promptly conduct a hearing.

(f) If a person fails to pay any civil monetary penalty assessed under this section, the board may institute a civil action against such person in the circuit court of any county in which such a person is found, resides or transacts business to collect such penalty or cost. Such court shall have exclusive jurisdiction to hear and decide any such action. The court shall sustain the board's finding of violation and assessment of civil penalty if such action is supported by fair preponderance of the evidence.

(g) The board is hereby authorized and empowered to compromise and settle any penalty under this section in such amount, which in the discretion of the board may appear appropriate and equitable, to a maximum of 90 percent of the penalty when within one year or such other period as the board may deem reasonable the person takes action to eliminate or correct such violation to the satisfaction of the board.

(h) For the purposes of developing or assisting in the development of any regulation or enforcing the provisions of this chapter, duly designated officers or employees of the board are authorized to enter, at reasonable times, any establishment or other place maintained by any person where hazardous wastes are generated, stored, created or disposed. Each such inspection shall be commenced and completed with reasonable promptness. If the officer or employee obtains any samples prior to leaving the premises, such officer or employee shall give to the owner, operator or agent in charge a receipt describing the sample obtained and, if requested, a portion of each such sample equal in volume or weight to the portion obtained. If any analysis is made of such sample, a copy of the results of such analysis shall be furnished promptly to the owner, operator or agent in charge. Any records, reports or information obtained from any person under this section shall be subject to the provisions of section 22-30-9 concerning trade secrets.

(i) Any person who with criminal negligence:

(1) Transports any hazardous waste listed under this chapter to a facility which does not have a permit under section 22-30-12;

(2) Treats, stores for more than 90 days, or disposes of any hazardous waste listed under this chapter without having obtained a permit therefor under this chapter; or

(3) Through his handling of any hazardous waste waste allows such waste to contaminate groundwater without having obtained a permit therefor under this chapter; or, if permitted, violates the conditions of such permit or

(4) Makes any false statement or representations in any application, label, manifest, record, report, permit or other document filed, maintained or used for purposes of compliance with this chapter shall, be subject to a penalty of not more than \$25,000.00 for each day of violation; which penalty may be recovered in a civil action in circuit court. After such person shall have once been adjudicated to have violated any provision of this subsection (i), such person shall be subject to a penalty of not more than \$50,000.00 per day of violation in any subsequent adjudication of violation of the provisions of this subsection (i).

(j) Any person who with criminal negligence:

(1) Transports any hazardous waste listed under this chapter to a facility which does not have a permit under section 22-30-12;

(2) Treats, stores for more than 90 days or disposes of any hazardous waste listed under this chapter without having obtained a permit therefor under this chapter;

(3) Through his handling of any hazardous waste allows such waste to contaminate groundwater without having obtained a permit therefor under this chapter; or, if permitted, violates the conditions of such permit or

(4) Makes any false statement or representation in any application, label, manifest, record, report, permit or other document filed, maintained or used for purposes of compliance with this chapter shall, upon conviction, be subject to a fine of not more than \$25,000.00 for each day of violation, or to imprisonment not to exceed ten years, or both. If the conviction is for a violation committed after a first conviction of such person, under this chapter, punishment shall be a fine of not more than \$50,000.00 per day of violation, or by imprisonment of not more than twenty years, or by both.

Section 3. Repealer. All laws or parts of laws, special, local or general, which conflict or are inconsistent with this Act are hereby repealed, insofar as such laws or parts of laws conflict or are inconsistent with this Act.

Section 4. Severability. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. Effective date. This Act shall become effective

immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 27, 1981

Time: 4:30 P.M.

Act No. 81-864

S. 659—Mr. Teague

AN ACT

To provide for additional court costs to be charged on certain criminal or quasi-criminal cases in the district and circuit courts of the State of Alabama. Such additional court costs shall be: \$5.00 in each such proceeding where the offense constitutes a misdemeanor or violation and the defendant is adjudged guilty or pleads guilty; \$10.00 in each such proceeding where the offense constitutes a felony and the defendant is adjudged guilty or pleads guilty; \$5.00 in each juvenile proceeding. To provide for the distribution of said court costs. To provide for the acceptance of grants. To provide for the cooperation between certain agencies.

Be It Enacted by the Legislature of Alabama:

Section 1. In each and every criminal case involving a violation or misdemeanor offense where the defendant is adjudged guilty or pleads guilty, there shall be collected an additional court cost of \$5.00. In each and every criminal case involving a felony offense where the defendant is adjudged guilty or pleads guilty, there shall be collected an additional court cost of \$10.00. In each and every juvenile case, there shall be collected an additional court cost of \$5.00. These additional costs shall be in addition to all previously enacted costs. Said costs shall be collected in the same manner as other costs are collected. These additional costs shall be collected on proceedings adjudicated following the enactment of this bill into law. Provided however, that no additional court costs shall be assessed and collected in traffic or conservation cases.

Section 2. Said fees and costs shall be collected by the court official who collects other costs and fees. The moneys collected according to the provisions of this act shall be remitted by the person or authority collecting said tax to the Peace Officers' Standards and Training Fund as provided in Section 36-21-47, Code of Alabama 1975. Said money shall fund work within the functions and duties of the Peace Officers' Standards and Training Commission's Basic 240-hour training at the following certified training academies: The Law Enforcement Academy located at the University of Alabama in Tuscaloosa, Alabama; the Northeast Law Enforcement Academy located at Jacksonville State University in Jacksonville, Alabama; the Southwest Law Enforcement Academy at Faulkner State Junior College in Bay Minette, Alabama; and the Alabama Criminal Justice Training

Center in Selma, Alabama and the Montgomery Law Enforcement Academy in Montgomery, Alabama.

Said money shall be distributed to the academies listed in this section at the discretion of the Peace Officers Standards and Training Commission.

Section 3. The Alabama Peace Officers Standards and Training Commission may accept grants from the federal government, its departments and agencies as well as grants and appropriations by the state, any county or municipality, or any individual, corporation or fund which is for the benefit of the training academies listed in Section 2. All such grants shall be paid into the Alabama Peace Officers Standards and Training Fund for the benefit of said academies. Said moneys shall be distributed to said academies at the discretion of the Peace Officers' Training and Standards Commission.

Section 4. The governing body of each incorporated city or town and the governing body of each county of the state is hereby authorized to appropriate any funds not otherwise appropriated to or for the benefit of the training academies listed in Section 2. All such appropriations shall be paid into the Alabama Peace Officers' Standards and Training Fund for the benefit of said academies. Said moneys shall be distributed to said academies at the discretion of the commission.

Section 5. Each training academy is hereby authorized to make agreements and arrangements for cooperation and mutual assistance in law enforcement work, with the Alabama Peace Officers' Standards and Training Commission and with each other.

Section 6. The provisions of this Act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 28, 1981

Time: 6:00 P.M.

To amend Code of Alabama 1975, §40-12-248(d) so that truck tractors used for the transportation of household goods, personal furniture, other household effects, farm produce, farm products and forest products will not be subject to the annual license taxes and registration fees set forth in §40-12-248(d), supra.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1975, §40-12-248(d), is hereby amended to read as follows:

(d) For each truck or truck tractor using the public highways of this state which has more than two axles when a single unit, or is used in combination with a trailer or semitrailer and which is either (i) used to transport goods, wares, merchandise or commodities of any kind or nature, for compensation of any kind, or (ii) operated under any rental lease or other agreement with carriers for compensation of goods, wares, merchandise or commodities, where compensation is charged under such rental, lease or other agreement, for the use of such truck or truck tractor, except trucks or truck tractors used for the transportation of household goods, personal furniture, other household effects, farm produce, farm products and forest products, the annual license taxes and registration fees herein imposed shall consist of (i) the base amount applicable to such truck or truck tractor under the following schedule of base amounts plus (ii) the additional amount, if any, applicable to such truck or truck tractor under the provisions of the following schedule of additional amounts:

SCHEDULE OF BASE AMOUNTS

Gross Vehicle Weight in Pounds	Base Amount
0 to 6,000	\$ 13.00
6,001 to 12,000	35.00
12,001 to 18,000	60.00
18,001 to 24,000	75.00
24,001 to 30,000	200.00
30,001 to 36,000	300.00
36,001 to 42,000	400.00
42,001 to 62,000	500.00
62,001 or over	600.00

SCHEDULE OF ADDITIONAL AMOUNTS

Gross Vehicle Weight in Pounds	Additional Amount
30,001 to 36,000	\$ 90.00
36,001 to 42,000	120.00
42,001 to 62,000	150.00
62,001 or over	180.00

For each truck or truck tractor using the public highways of this state, which has more than two axles when a single unit, or is used in combination with a trailer or semitrailer, and which is either (i) used to transport goods, wares, merchandise or commodities of any kind or nature for compensation of any kind, or (ii) operated under any rental, lease or other agreement with carriers for compensation of goods, wares, merchandise or commodities, where compensation is charged under such rental, lease or other agreement, for the use of such truck or truck tractor used for the transportation of coal, iron ore, limestone, bauxite, sand, gravel and commodities exempt under the Alabama Motor Carrier Act of 1939, as amended, or any one or more of the items listed in this paragraph, except trucks or truck tractors used for the transportation of household goods, personal furniture, other household effects, farm produce, farm products and forest products, the annual license tax and registration fee shall consist of the amount applicable to each such truck or truck tractor under the following schedule:

Gross Vehicle Weight in Pounds	Amount
0 to 6,000	\$ 13.00
6,001 to 12,000	30.00
12,001 to 18,000	45.00
18,001 to 24,000	75.00
24,001 to 30,000	150.00
30,001 to 36,000	300.00
36,001 to 42,000	400.00
42,001 to 62,000	450.00
62,000 or over	500.00

For each tractor which is operated by a for-hire motor carrier and which is operated exclusively within 15 miles of the corporate limits of the incorporated municipality in which it is customarily domiciled, but not including vehicles operating beyond the borders of Alabama, an annual license tax and registration fee of \$150.00 is hereby imposed and shall be charged.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 28, 1981

Time: 6:00 P.M.

Act No. 81-866

S. 386—Mr. Smith

AN ACT

To amend Section 41-6A-3 of the Code of Alabama 1975, which provides for the creation and organization of the Alabama department of energy so as to remove the requirement that the director of the department be a member of the Alabama state employees retirement system; and to make correction in name of system.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-6A-3 of the Code of Alabama 1975 is hereby amended to read as follows:

“Sec. 41-6A-3.

“(a) There is hereby created and established the Alabama department of energy. For the purposes of this chapter, the term ‘department’ or ‘ADE’ means the ‘Alabama department of energy.’

“(b) The programs and activities of the department shall be administered by a director with the assistance of such other officers, agents and employees as are necessary to carry out the functions of the agency. The director shall propose priorities and funding required to ensure that the programs and activities as provided in this chapter are effectively and efficiently carried out and that the intent of the legislature is fully implemented. The director shall organize and employ the staff of the department.

“(c) The director of the department shall be appointed by, and serve at the pleasure of the governor. The pay of the director shall be set by the governor without regard to any other limitation set by law. Division chiefs shall be appointed by, and serve at the pleasure of, the director. The director shall be exempt from the provisions of article 1 of chapter 26 of Title 36, and the division chiefs shall serve as unclassified personnel under the provisions of article 1 of chapter 26 of Title 36. All except the director shall be members of the Alabama state employees retirement system. The director may, however, at his option, become a member of such system. All other employees of the department except as herein above provided shall be classified personnel and shall be members of the state merit system.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 28, 1981

Time: 6:00 P.M.

Act No. 81-867

S. 367—Mr. Lemaster

AN ACT

This bill amends §40-21-53 of the Code of Alabama 1975 to provide for an exemption from the 2.2% Gross Receipts License Tax for electricity sold to certain persons who are 62 years of age or older or are totally and permanently disabled, and provides that certain persons who are 62 years of age or older or who are totally and permanently disabled shall receive a credit in the amount of the 2.2% tax on their monthly electric bills.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-21-53 of the Code of Alabama 1975, is amended to read as follows:

§40-21-53.

(a) Each person, firm or corporation, including any corporations operating an electric or hydroelectric public utility or gas public utility or any other public or municipality utility now paying the two and two-tenths percent shall be subject to the provisions of this act shall pay to the state a license tax equal to two and two-tenths percent on each \$1.00 of gross receipts of such public utility for the preceding year; except, that gross receipts from the sale of electricity for resale by such electric or hydroelectric public utilities and gross receipts from the sale of electricity to the persons identified in subsection (b) hereof shall be deducted in computing the amount of tax due hereunder. For the first year's business, where an existing electric public utility is taken over, such license tax payable to the State shall be equal to two and two-tenths percent on each \$1.00 of gross receipts for the preceding year of the electric utility taken over, after deduction of gross receipts derived from sales of electricity for resale and gross receipts from the sale of electricity to the persons identified in subsection (b) hereof and less whatever sum the prior operators shall have paid as such license tax on the gross receipts for that year. Where no existing electric public utility is taken over, the license tax for the first year upon such utility shall be based upon the first year's business, computed as provided hereinabove, but shall in no event be less than \$100 for the first year's business. Any person, firm or corporation establishing a new electric public utility shall pay to the state the sum of \$100.00 and shall also at the same time execute a bond payable to the state of Alabama to insure payment of whatever sum in addition to such \$100.00 may be due when, at the end of the first year the amount of gross receipts for the year is ascertainable. Such license tax shall be paid to the department of revenue by check made payable to the treasurer and shall be paid quarterly, one fourth on October 1, one fourth on January 1, one fourth on April 1 and one fourth on July 1 and shall become delin-

quent on the fifteenth day of each of said months. Payment shall be accompanied by a statement made by the president or other officer of the public utility or by the owner thereof, giving the name of the person, firm or corporation owning and operating such public utility and the principal place of business thereof, together with a statement under oath of the amount of gross receipts of such public utility for the preceding year. The books of every person, firm or corporation operating such public utility shall be at all times open to the inspection of the department of revenue. Any person failing to make such sworn statement or willfully making a false statement of the gross receipts of such public utility shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not exceeding \$500.00 and shall also forfeit to the state three times the amount of the license for such public utility, but no license under this schedule shall be paid to the county or counties.

(b) (1) On or after October 1, 1981 any person who is 62 years of age or older or totally and permanently disabled and such person is head of a household and does not share his or her residence with more than one other adult person who is less than 62 years of age and who receives electricity at such residence from a utility which is subject to the 2.2% license tax levied in subsection (a) hereof shall be entitled to qualify, in accordance with the provisions of paragraph (2) of this subsection, for a credit on his or her monthly electric bill in the amount of the exemption from the 2.2% license tax with respect to sales of electricity to such person provided in subsection (a) hereof; provided that the combined gross incomes of all persons who live at the residence of such person 62 years of age or older or such totally and permanently disabled person shall not exceed \$12,000 annually. Eligibility for this credit applies only to the extent and amount that it is billed to the customers as a normal requirement under its rates.

(2) Any person who seeks to qualify for the credit provided in paragraph (1) of this subsection shall make application to the Department of Pensions and Security in accordance with rules promulgated by the Department of Pensions and Security for the implementation and enforcement of this act. The Department of Pensions and Security shall periodically notify, in writing, each electric utility in the state which is subject to payment of the 2.2% license tax levied in subsection (a) hereof regarding those customers who are entitled to receive the monthly credit. Within 45 days after receipt of notification for such monthly credit the electric utility shall commence providing such credit for gross receipts license tax that otherwise would be billed.

(3) Any person who wrongfully qualifies for such exemption by giving false information shall be guilty of a misdemeanor and upon

conviction may be fined not to exceed \$500.00.

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 28, 1981

Time: 6:00 P.M.

Act No. 81-868

S. 238—Messrs. Harrison, Robertson
and Britnell

AN ACT

To require the granting, under certain circumstances, of either overtime pay or compensatory leave to certain local law enforcement officers.

Be It Enacted by the Legislature of Alabama:

Section 1. Any non-elected law enforcement officer in the service of a county who is assigned to duty for more than eight hours during any one day or for more than forty hours during any calendar week shall be paid time and one-half for such excess hours worked; or he shall be given time and one-half compensatory leave. In all such cases, it shall be at the sole option of the law enforcement officer whether he shall receive overtime pay or compensatory leave.

Section 2. Any such law enforcement officer who works overtime during any calendar month shall on the last day of such month file in writing a statement as to his election to accept overtime pay or compensatory leave. In the event such law enforcement officer elects to receive overtime pay, such pay shall be included with his compensation for the next succeeding pay period. If he elects to receive compensatory leave, such leave may be taken at any time during the calendar year in which it is earned, except during times of emergency.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 28, 1981

Time: 6:30 P.M.

September 9, 1980

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
SPECIAL TERM 1980

ORDER

WHEREAS, an amendment to Rule A, Alabama Small Claims Rules, has been submitted to the Court; and

WHEREAS, this Court has considered the proposed amendment and comments;

NOW, THEREFORE, IT IS CONSIDERED AND ORDERED by the Supreme Court of Alabama on this the 9th day of September, 1980, that Rule A of the Alabama Small Claims Rules be amended so that said rule shall read as follows:

**RULE A
SCOPE OF RULES**

These rules govern procedure in small claims cases in the district courts. They are to be known and cited as the "Alabama Small Claims Rules." They shall be construed to secure the just, speedy and inexpensive determination of every case. All small claims court cases shall be conducted in such manner as to do substantial justice between the parties according to the rules of substantive law and, in the administration of these rules, and particularly Rule "N" hereof, the court shall make such accommodation to parties not represented by an attorney as is necessary to serve the ends of justice and the court, in its discretion, may explore claims and/or defenses not raised by the parties.

These rules shall not be applicable to actions of unlawful detainer pursuant to Title 6, Chapter 6 or Title 35, Chapter 9, Code of Alabama 1975. Actions of unlawful detainer shall be filed on the regular district court docket and shall be governed by the Alabama Rules of Civil Procedure with district court modifications.

This amendment shall become effective on October 9, 1980.

All Justices concur, except Bloodworth, J., not sitting.

I, J. O. Sentell, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 1 day of October, 1980.

J. O. SENTELL
Clerk, Supreme Court of Alabama

October 9, 1980

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
REGULAR TERM 1980-81

ORDER

WHEREAS, the Board of Bar Commissioners, at its meeting on September 26, 1980, unanimously recommended to this Court that Rule 20(c), Rules of Disciplinary Enforcement, be amended to remedy an inherent contradiction of the present rule; upon consideration thereof,

IT IS ORDERED as follows:

That Rule 20(c), Rules of Disciplinary Enforcement, be, and it is hereby, amended to read as follows:

(c) *Action by Disciplinary Board when respondent makes contention.*

If during the course of a disciplinary proceeding, the respondent contends that he is suffering from a disability by reason of mental or physical infirmity, illness, or addiction to drugs or intoxicants which makes it impossible for the respondent to adequately defend himself, the Disciplinary Board thereupon shall enter an order transferring the respondent to disability inactive status until a determination is made of the respondent's ability to adequately defend himself. The Disciplinary Board shall appoint an attorney to represent the respondent if he is without adequate representation, and may take or direct such action as it deems necessary or proper to determine whether the respondent is able to adequately defend himself, including the examination of the respondent by such qualified medical experts as the Disciplinary Board shall designate. If the Disciplinary Board shall determine that the respondent is able to adequately defend himself, it shall take such action as it deems proper and advisable, including a direction for the resumption of the disciplinary proceedings against the respondent. All expenses incurred hereunder, including legal and medical fees, shall be borne by the respondent, unless the indigency of the respondent is affirmatively established.

All Justices concur, except Jones, Almon and Beatty, JJ., not sitting.

I, J. O. Sentell, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of

the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 20 day of October, 1980.

J. O. SENTELL
Clerk, Supreme Court of Alabama

September 9, 1980

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
SPECIAL TERM 1980

ORDER

Effective October 1, 1980

WHEREAS, the storage of the voluminous court records which have over many years accumulated in the courthouses of this state has become a major problem and has created unnecessary expense; and

WHEREAS, the legislature of this state, recognizing the problem caused by the accumulation of these records, has amended § 41-13-21, Code of Alabama 1975, to allow the disposition of court records in accordance with a rule to be adopted by the Supreme Court of Alabama; and

WHEREAS, the Chief Justice of the Supreme Court of Alabama in August 1979 did appoint a Records Retention Committee, consisting of distinguished citizens who through their work in the public service were familiar with court records, the need for proper maintenance and retention of court records, the legal and archival interests in the preservation of court records, and the problem of the present accumulation of court records; and

WHEREAS, the Records Retention Committee was charged with the responsibility of developing a records retention schedule describing each type of court record to be found in each courthouse of this state and designating the length of time a record should be retained; and

WHEREAS, the Records Retention Committee has presented to the Supreme Court of Alabama a "Records Retention Schedule" dated July 22, 1980, designated as "Schedule One-A" and consisting of forty-five (45) pages, which schedule describes most of the court records presently stored in the courthouses of this state (except for records of juvenile cases), and which provides directions as to how

long each record shall be retained by the courts and the type of disposition to be made; and

WHEREAS, the Alabama State Records Commission did on July 22, 1980, approve this records retention schedule, in accordance with §41-13-21, Code of Alabama 1975, as amended; and

WHEREAS, the Records Retention Committee has recommended to the Supreme Court of Alabama the adoption of a Rule of Judicial Administration which would allow courts in the state's unified judicial system to retain and dispose of court records in accordance with this records retention schedule; and

WHEREAS, the Court has considered both the records retention schedule as proposed by the Committee and the Committee's recommendation of a Rule of Judicial Administration,

NOW, THEREFORE, IT IS HEREBY CONSIDERED AND ORDERED by the Supreme Court of Alabama on this the 9th day of September, 1980, that the rule attached hereto, entitled "Alabama Rules of Judicial Administration, Rule 47," be, and the same is hereby, adopted.

This order shall become effective October 1, 1980.

I, J.O. Sentell, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 15 day of October, 1980.

J. O. SENTELL

Clerk, Supreme Court of Alabama

RULE 47

RECORDS MAINTENANCE AND RETENTION

(A) Adoption of records retention schedule. In accordance with the provisions of §41-13-21, Code of Alabama 1975, the records retention schedule drafted by the interim committee on records retention appointed in August 1979 by the Chief Justice, dated July 22, 1980, and styled "Records Retention Schedule, One-A," is hereby established as the official records retention schedule to be observed by the unified judicial system. This records retention schedule, with any amendments thereto and with all statements of approval from the Alabama State Records Commission, shall be maintained in the office of the Clerk of the Supreme Court of Alabama. The administrative director of courts (ADC) shall make copies of the records retention schedule available to all officials of the unified judicial system charged with the keeping of court records.

(B) Procedure for amendments and additions to schedule. Proposed amendments or additions to the records retention schedule shall be submitted to the administrative director of courts (ADC). Amendments or additions approved by order of the Supreme Court, in accordance with § 41-13-21, Code of Alabama 1975, shall be deemed incorporated into the records retention schedule.

(C) Description of retention schedule. The retention schedule is organized alphabetically by name of record. Under the heading "Record Title and Description" are listed the most commonly used names of the various types of court records found in courthouses in this state (variations in some names being listed after the most commonly used names), along with listings of the items to be found in those records. A record listed in this column may in a particular county contain more than, or fewer than, those items listed.

(D) Explanation of retention instructions. The column headed "Retention Instructions" provides the minimum period each record must be maintained. Any court records not listed in the records retention schedule shall be maintained. The following is an explanation of the terms used in the "Retention Instructions" column:

(1) Immediate disposal. The item may be disposed of at the discretion of the person having custody.

(2) Retain in office [] years from date of last entry in book. The item can be disposed of after the designated number of years, when all action on cases listed therein has been completed.

(3) Retain [one to ten] year[s] from date of audit report. The item shall be retained the specified number of years from the date of the audit report.

(4) Retain as long as case file is maintained. The item should be returned to the case file if possible, but if this is not possible, the item shall be retained in accordance with the instructions for retention of the case file to which it would belong.

(5) Final disposition. Final disposition occurs when the appeal period has expired or when the appeal process has been completed.

(6) Retain in office [] years from date of last entry in book. Retain for review by the Department of Archives and History. The item must be retained for the specified number of years after the book is filled, and then offered to the Department of Archives and History for historical review. The Department can review the item and determine if it wants the item; if the Department does not want the item, it should not be returned to the court.

(7) Retain permanently. The item must always be retained in

the courthouse or other designated courthouse storage facility.

(8) Retain permanently subject to review and acceptance of item by the Department of Archives and History. The item must always be retained, either in the courthouse or some other designated courthouse storage facility, or at the Department of Archives and History. When the record is complete and all action has ceased, the item can be offered to the Department of Archives and History for historical review. If the Department determines the item to be of historical significance, it may accept it, but if it does not, the item nevertheless must be retained permanently.

(9) Retain permanently. Transfer to the Department of Archives and History. The item is to be transferred to the Department of Archives and History, where it is to be retained for its historic value.

(10) Retain for review by the Department of Archives and History. When the record is complete and all action has ceased, the item shall be sent to the Department of Archives and History for review. If there are many books in a series, one book of the series can be sent for review. If the Department indicates no interest, the remainder can be disposed of, and conversely, if the Department wants the books, the remainder of the series must be forwarded.

(11) Transfer to the Department of Archives and History. The item must be transferred to the Department of Archives and History when all action in the item has ceased. The item has been determined to be of historical value but has not been determined to be of permanent value to the courts. The Department can review the item and determine if it wants the item and, if so, for how long; if the Department does not want the item, it should not be returned to the court.

(12) Retain [] years from date of court session. Retain for review by the Department of Archives and History. This instruction is applicable to jury records. The item shall be retained for the designated period after the last day of the court session during which the juror served. Then the item shall be offered to the Department of Archives and History. After a review, the Department can accept the item or recommend disposal. If there are many books in a series, one book of the series can be sent for review. If the Department indicates no interest, the remainder can be disposed of, and conversely, if the Department wants the books, the remainder of the series must be forwarded.

(E) Manner of disposal. Items shall be disposed of by burning or shredding them or by depositing them in a public landfill. When disposal is by depositing items in a public landfill, the disposal shall be in a manner that will prevent the items from being retrieved. The methods set out herein are exclusive, and items shall not be sold, given

away, or disposed of in any manner not specified herein.

(F) Disposal after microfilming. After an item has been micro-filmed in a manner approved by the Administrative Office of Courts, the paper copy can be disposed of unless it is offered to the Department of Archives and History.

(G) Remains of records. When records have been damaged or destroyed by decay, vermin, fire, water, or other means in a manner which makes their remains illegible, the custodial official may dispose of the remains in a manner consistent with (E) above.

(H) Juvenile records. The records retention schedule styled "Records Retention Schedule, One-A" and dated July 22, 1980, shall not be applicable to any juvenile records.

December 2, 1980

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
OCTOBER TERM, 1980-81

ORDER

It has been recommended to the Court that Rule 2, Alabama Rules of Judicial Administration be amended, and the same having been considered by the Court,

NOW, THEREFORE IT IS ORDERED by the Supreme Court of Alabama on this the 2nd day of December, 1980, that Rule 2, Alabama Rules of Judicial Administration be, and it is hereby, amended by incorporating herein Rule 2, Release, Discretionary Bond Schedule, which is attached to this order and made a part hereof. It is further ordered that the effective date of this amendment is January 2, 1981.

All the Justices concur.

I, J.O. Sentell, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 10 day of December, 1980.

J. O. SENTELL
Clerk, Supreme Court of Alabama

RELEASE, DISCRETIONARY BOND SCHEDULE

(A) **RIGHT TO RELEASE.** The court may release any person charged with an offense bailable as a matter of right on his own recognizance, pending or during trial, unless the court determines, in its discretion, that release will not reasonably assure the defendant's appearance as required, or that the defendant's being at large poses a real and present danger to others, or to the public at large. If the court determines that the defendant cannot be released on his own recognizance, the court may impose the least onerous condition or conditions in Subsection (B)(2), which will reasonably assure the defendant's appearance or which will eliminate or minimize the risk of harm to others or the public at large. In determining upon what conditions the defendant may be released, the court may take into account the following:

- (1) The defendant's length of residence in his place of domicile;
- (2) The defendant's employment status and history and financial condition;
- (3) The defendant's family ties and relationships;
- (4) The defendant's reputation, character, and apparent mental condition;
- (5) The defendant's prior criminal record including prior releases on recognizance or secured appearance, and other pending cases;
- (6) The identity of responsible members of the community who will vouch for the defendant's reliability;
- (7) The nature of the offense charged, the apparent probability of conviction and likely sentence, insofar as these factors are relevant to the risk of nonappearance; and
- (8) Any other relevant factors indicating defendant's ties to the community or bearing on the risk of willful failure to appear.

(B) **CONDITIONS OF RELEASE.** Mandatory conditions shall attach to every order of release along with such other conditions as the court in its discretion deems reasonably necessary to secure the defendant's appearance.

(1) **Mandatory Conditions.** Every order of release under this rule shall contain the conditions that the defendant:

- (a) Appear to answer and submit himself to the orders and process of the court having jurisdiction of the case;
- (b) Refrain from committing any criminal offense;

- (c) Not depart from the state without leave of court; and
- (d) Promptly notify the court of any change of address.

(2) **Additional Conditions.** An order of release may include any one or more of the following conditions reasonably necessary to secure a person's appearance. If the court determines that a bond, either secured or unsecured, may be reasonably necessary to secure the defendant's appearance, the court shall use the "discretionary bond schedule" as a guide in determining the amount of the bond. The court may require the defendant to:

(a) Execute an appearance bond in an amount specified by the court, either with or without requiring that the defendant deposit with the clerk of the court cash or certified funds in some percentage not to exceed ten percent (10%) of the whole amount of the appearance bond, ninety percent (90%) of which deposit shall be returned to the defendant upon his full compliance with the release from the appearance bond, with the remaining ten percent (10%) of the amount deposited being retained as additional court costs.

(b) Require the defendant to execute a secured appearance bond.

(c) Place the defendant in the custody of a designated person or organization agreeing to supervise him.

(d) Restrict the defendant's travel, associations, or place of abode during the period of release.

(e) Require the defendant to return to custody after specified hours.

(f) Require any other conditions which the court deems reasonably necessary.

(C) **DISCRETIONARY BOND SCHEDULE.** When it is determined that a bond may be reasonably necessary to secure a defendant's appearance as required, the following schedule is established as a general guide for courts in setting bond for persons who seek to be released from custody. Courts should exercise discretion in increasing or decreasing bonds above or below the discretionary scheduled amounts.

DISCRETIONARY BOND SCHEDULE RECOMMENDED RANGE

FELONIES:

Capital Felony	\$2,000 to \$20,000 to No Bond
Murder	1,000 to 20,000 to No Bond
Class A Felony	1,000 to 10,000 to No Bond

Class B Felony	750 to	7,500
Class C Felony	500 to	5,000
Escape	1,000 to	20,000
Bail Jumping, 1st Degree	1,000 to	20,000
Habitual Offender	1,000 to	20,000 to No Bond

MISDEMEANORS:

Class A Misdemeanor	300 to	1,000
Class B Misdemeanor	100 to	300
Class C Misdemeanor	50 to	100
Bail Jumping, 2nd Degree	500 to	10,000
Unclassified Misdemeanors	300 to	500
Violation	50 to	100

DRUG OFFENSES:

Possession of marijuana (Misdemeanor)	300 to	1,000
Possession of marijuana for sale (Felony)	1,000 to	5,000
Possession of heroin	1,000 to	5,000
Possession of heroin for sale	1,000 to	10,000
Possession of cocaine	1,000 to	5,000
Sale of cocaine	1,000 to	10,000
Possession of LSD	1,000 to	5,000
Sale of LSD	1,000 to	10,000
Possession of amphetamines	500 to	5,000
Sale of amphetamines	1,000 to	10,000
Possession of barbiturates	500 to	5,000
Sale of barbiturates	1,000 to	10,000
Illegal Possession of prescription drugs	500 to	5,000
Illegal Sale of prescription drugs	1,000 to	10,000
All other noncapital drug felonies	500 to	5,000

TRAFFIC VIOLATIONS:

Driving under influence	100 to	500 (out of county)
Reckless driving	100 to	300
Speeding	50 to	100
Other traffic violations	50 to	100

(D) **ORDER STATING CONDITIONS OF RELEASE.** If the defendant is charged with an offense bailable as a matter of right, the court shall issue an order containing the conditions of release and shall inform the defendant of the conditions, the possible consequences of their violation and that a warrant for his arrest will be issued immediately upon receipt of a credible report of a violation.

(E) **AMENDMENT OF CONDITIONS.** If the defendant is in custody, the court may, for good cause shown, either on its own initiative or on application of either party, modify the conditions of release, after first giving the parties an adequate opportunity to respond to the proposed modification.

COMMENT

The 8th Amendment to the United States Constitution provides, "Excessive bails shall not be required, nor excessive fines imposed,

nor cruel and unusual punishments inflicted.” Article 1, Section 16 of the Alabama Constitution of 1901 provides:

“That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and that excessive bail shall not in any case be required. (Emphasis supplied.)

Rule 2 is applicable to pretrial release and is based on the presumption of innocence of the accused and the policy that a defendant should be released pending trial, whenever possible, assuming that the offense is bailable. The defendant is eligible for a recognizance release unless the judge determines that the defendant’s presence would not thereby be reasonably assured or that the defendant poses a real and present danger of harm to others. The list of factors to be considered is taken from the ABA Standards Relating to Pretrial Release, Section 5.1 (approved Draft, 1968). In this jurisdiction Sections 4620 and 4621 Ala. Acts (Regular Session 1977), Act No. 607, giving incorrect information is a basis for revocation of release as well as a basis for a charge of perjury.

Rule 2(B)(1) provides mandatory conditions of release which apply in every release order. Rule 2(B)(2) allows the court the flexibility to fashion other conditions of release. Subsection (a) provides the court the alternative of having the defendant post a refundable cash deposit of up to 10% of the amount of the bond. This is in accord with the Federal Bail Reform Act 18, U.S.C. Section 3146(a)(B)(1970), and the Illinois Code of Criminal Procedure, Section 110-7.

“Own recognizance” as used in Rule 2 means a release of the defendant without any condition of an undertaking relating to, or deposit of, security. “Appearance Bond” is an undertaking to pay the State of Alabama a specified sum of money upon the failure of a person released to comply with its conditions. “Secured appearance bond” is an appearance bond secured by deposit with the clerk of the court of security equal to the full amount thereof. “Security” is cash, certified funds, or a surety’s undertaking, deposited with the clerk to secure an appearance bond.

The discretionary bond schedule in Rule 2(C) should be regarded only as a guide for the exercise of judicial discretion. The schedule is based in part on the offense classification system established under the Alabama Criminal Code. A “capital felony” category was established to cover those offenses provided in Article 2 of Chapter 5 of Title 13A, Alabama Criminal Code, or any amendments thereto. An “unclassified misdemeanor” category is included to encompass any misdemeanor established outside the Alabama Criminal Code and not coming within its classification system or provided for elsewhere within the schedule. A “habitual offender” classification has also been in-

cluded for those defendants who, upon conviction of the crime charged, will be subject to punishment as a habitual offender. Because Drug Offenses and Traffic Infractions are provided outside the Alabama Criminal Code, these offenses are itemized separately.

Rule 2(E) provides a mechanism whereby the judge on his own initiative or on application of either party may modify the conditions of release of a defendant who is in custody and make them either more or less stringent depending on the circumstances.

The existence of these provisions is not to be construed to prohibit a magistrate from receiving a defendant's guilty plea without a court appearance in minor misdemeanors where a schedule of fines has been prescribed by rule. Nor should this rule be construed to prohibit a magistrate who is operating under the direction of the court from setting bond when issuing arrest warrants or releasing a defendant on bond in minor misdemeanor prosecutions as set forth in Rule 18, *supra*.

This rule is based upon Section 4-106(b) of Act No. 1205, Acts of Alabama, 1975 Regular Session.

January 5, 1981

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
OCTOBER TERM 1980-81

ORDER

WHEREAS, the Alabama Rules of Judicial Administration were adopted by the Supreme Court of Alabama on October 14, 1976; and

WHEREAS, the Supreme Court has given consideration to the amendment of the Alabama Uniform Traffic Ticket and Complaint contained in Rule 19 of the Alabama Rules of Judicial Administration,

IT IS, THEREFORE, ORDERED that the revised Uniform Traffic Ticket and Complaint, Series E, attached hereto as Exhibit A, be, and the same is hereby, adopted.

IT IS FURTHER ORDERED that the said Alabama Uniform Traffic Ticket and Complaint, Series E, shall become effective on January 30, 1981.

All Justices concur.

I, J.O. Sentell, Clerk of the Supreme Court of Alabama, do hereby

certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 14 day of January, 1981.

J. O. SENTELL

Clerk, Supreme Court of Alabama

1676

"EXHIBIT A"FORM UTC-1
REV 1-81ALABAMA UNIFORM TRAFFIC TICKET
AND COMPLAINT

CASE NUMBER

YEAR NUMBER

ALABAMA, COUNTY OF						TICKET NUMBER E	
The undersigned, being duly sworn deposes and says that he has probable cause to believe and does believe that the person herein named committed the offense hereinafter set forth contrary to law in that on or about _____ MONTH _____ DAY _____ YEAR _____ TIME _____ <input type="checkbox"/> AM <input type="checkbox"/> PM AT APPROX _____							
COMPLAINT AND AFFIDAVIT COURT RECORD COPY							
FIRST NAME		MIDDLE-MAIDEN		LAST			
ADDRESS				STREET			
CITY				STATE		ZIP CODE	
STATE		DRIVER'S LICENSE NUMBER		SEX RACE		BIRTHDATE MO DAY YR	
VEHICLE TAG NUMBER		STATE		YEAR		VEHICLE DESCRIPTION (YEAR MAKE TYPE)	
<input type="checkbox"/> OWNER <input type="checkbox"/> EMPLOYER				ADDRESS			
Did unlawfully operate a motor vehicle <input type="checkbox"/> within the city limits or police jurisdiction of _____, or <input type="checkbox"/> in _____ county, upon the following public street, road or highway, at or near (Describe location below) _____ MILE POST NUMBER _____ STREET OR ROAD CODE _____							
in violation of _____ <input type="checkbox"/> State code (or) <input type="checkbox"/> Municipal ordinance more particularly described in DESCRIPTION OF OFFENSE section below (See circle of description of offense)							
Sworn to and acknowledged before me this date _____ MONTH _____ DAY _____ YEAR				OFFICER'S SIGNATURE			
SIGNATURE AND TITLE				OFFICER I D		AGENCY OR I	
				AL			

COURT APPEARANCE INFORMATION							
In the <input type="checkbox"/> MUNICIPAL <input type="checkbox"/> DISTRICT		Court of _____		NAME			
DATE MONTH	DAY	YEAR	TIME	<input type="checkbox"/> AM <input type="checkbox"/> PM	COURT ADDRESS		
<input type="checkbox"/> Driver's license posted in lieu of bond		<input type="checkbox"/> Released on own recognizance		<input type="checkbox"/> Bail required		<input type="checkbox"/> Bail not required	
I PROMISE TO APPEAR IN COURT AT SAID TIME AND PLACE OR OTHERWISE COMPLY WITH THE PROVISIONS OF THIS COMPLAINT.							
DEFENDANT'S SIGNATURE _____				PHONE () _____			

DESCRIPTION OF OFFENSE CIRCLE APPROPRIATE SQUARE	
1 SPEEDING - Did operate a motor vehicle at _____ miles per hour in a _____ MPH zone 2 RECKLESS DRIVING 3 DRIVING - Without first obtaining a driver's license DRIVING WHILE UNDER THE INFLUENCE OF: 4 ALCOHOL BAC _____ 5 CONTROLLED SUBSTANCES 6 FAILING TO YIELD RIGHT OF WAY 7 DRIVING WHILE LICENSE OR PRIVILEGE REVOKED 8 DRIVING WHILE LICENSE OR PRIVILEGE SUSPENDED 9 DRIVING WHILE LICENSE OR PRIVILEGE CANCELLED 16 OTHER VIOLATIONS/SPECIFY (And Officer's Remarks) _____ CHECK IF APPROPRIATE <input type="checkbox"/> Accident causing damage to property <input type="checkbox"/> Accident causing injury	10 RUNNING RED LIGHT 11 DRIVING ON WRONG SIDE OF ROAD 12 FAILING TO STOP AT STOP SIGN 13 WITH IMPROPER (a) Muffler, (b) Lights, (c) Tires, (d) Mirror, (e) Brakes 14 PASSING IN PROHIBITED ZONE 28 IMPROPER TAG 29 MAKING IMPROPER TURN 42 OVERWEIGHT TRUCK

INSTRUCTIONS

PRESS FIRMLY.

TO OFFICER:

ASK IF MOTORIST'S ADDRESS IS CORRECT ON DRIVER'S LICENSE

1677

COURT RECORD COURT ACTION AND DISPOSITION

COURT CASE NO

YEAR NUMBER

IN THE <input type="checkbox"/> MUNICIPAL <input type="checkbox"/> DISTRICT COURT OF _____		TICKET NUMBER E	
DEFENDANT'S NAME _____			
BAIL FIXED AT \$	CASH BAIL DEPOSITED \$	<input type="checkbox"/> DRIVER'S LICENSE DEPOSITED IN LIEU OF BOND	<input type="checkbox"/> RELEASED ON OWN RECOGNIZANCE
CONTINUED TO _____		REASON _____	
CONTINUED TO _____		REASON _____	
DATE WARRANT ISSUED _____		DATE SERVED _____	
DATE WARRANT ISSUED _____		DATE SERVED _____	
COURT DATE _____		COURT O.R.I. AL J	
COURT DATE _____		COURT O.R.I. AL J	

Plea of Defendant	<input type="checkbox"/> Guilty as charged	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty
Finding of the Court	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Responded to FTA Notice

Orders of the Court _____

<input type="checkbox"/> Fine \$	+ Court Costs \$	= Total \$
<input type="checkbox"/> Jailed	Days In	
Traffic School	DUI <input type="checkbox"/> DDC <input type="checkbox"/> Location	
<input type="checkbox"/> License Suspended for:	DAYS	MONTHS YEARS
<input type="checkbox"/> CASE APPEALED	MONTH DAY YEAR	I hereby certify that this is an exact copy of the record of this Court.
DISPOSITION DATE ►		SIGNATURE OF JUDGE/MAGISTRATE/COURT OFFICIAL

SUMMARY OF COURT COSTS AND FINE

TYPE OF ARREST:	<input type="checkbox"/> STATE	<input type="checkbox"/> COUNTY	<input type="checkbox"/> MUNICIPAL
DESCRIPTION	DISTRICT COURT	MUNICIPAL COURT	
1. DISTRICT COURT CONSOLIDATED DOCKET FEE - \$22.50			
2. MUNICIPAL COURT COST - BY ORDINANCE, MAXIMUM \$10.00			
3. MUNICIPAL COURT - SPECIAL COSTS \$4.00			
4. WITNESS SUBPOENA - \$2.00 EACH IN DISTRICT COURT			
5. LAW LIBRARY FEE			
6. OTHER			
TOTAL COSTS	\$	\$	
7. FINE	\$	\$	
TOTAL COSTS & FINE	\$	\$	

RECORD OF CASH RECEIPTS

RECEIVED FROM	DATE RECEIVED	RECEIPT NUMBER	AMOUNT

1678

FORM UTC-1
REV 1-81ALABAMA UNIFORM TRAFFIC TICKET
AND COMPLAINT

CASE NUMBER

YEAR NUMBER

ALABAMA, COUNTY OF						TICKET NUMBER E	
The undersigned, being duly sworn deposes and says that he has probable cause to believe and does believe that the person herein named committed the offense hereinafter set forth contrary to law in that on or about _____ MONTH _____ DAY _____ YEAR _____ AT APPROX _____ TIME _____ <input type="checkbox"/> AM <input type="checkbox"/> PM							
FIRST NAME		MIDDLE MAIDEN			LAST		
ADDRESS		STREET					
CITY		STATE				ZIP CODE	
STATE		DRIVER'S LICENSE NUMBER			SEX RACE		BIRTHDATE MO DAY YR
VEHICLE TAG NUMBER		STATE		YEAR		VEHICLE DESCRIPTION (YEAR MAKE TYPE)	
<input type="checkbox"/> OWNER <input type="checkbox"/> EMPLOYER				ADDRESS			
Did unlawfully operate a motor vehicle <input type="checkbox"/> within the city limits or police jurisdiction of _____, or <input type="checkbox"/> in _____ county, upon the following public street, road or highway, at or near (Describe location below)							
				MILE POST NUMBER		STREET OR ROAD CODE	
in violation of _____ <input type="checkbox"/> State code (or) <input type="checkbox"/> Municipal ordinance more particularly described in DESCRIPTION OF OFFENSE section below (See circle of description of offense)							
SIGNATURE AND TITLE				OFFICER'S SIGNATURE			
				OFFICER ID		AGENCY OR I	
				AL			

COURT APPEARANCE INFORMATION							
In the		<input type="checkbox"/> MUNICIPAL <input type="checkbox"/> DISTRICT		Court of		TIME <input type="checkbox"/> AM <input type="checkbox"/> PM	
DATE MONTH DAY YEAR						COURT ADDRESS	
<input type="checkbox"/> Driver's license posted in lieu of bond		<input type="checkbox"/> Released on own recognizance		<input type="checkbox"/> Bail required		<input type="checkbox"/> Bail not required	
I PROMISE TO APPEAR IN COURT AT SAID TIME AND PLACE OR OTHERWISE COMPLY WITH THE PROVISIONS OF THIS COMPLAINT.							
DEFENDANT'S SIGNATURE _____				PHONE () _____			

DESCRIPTION OF OFFENSE	
CIRCLE APPROPRIATE SQUARE	
1 SPEEDING - Did operate a motor vehicle at _____ miles per hour in a _____ MPH zone 2 RECKLESS DRIVING 3 DRIVING - Without first obtaining a driver's license DRIVING WHILE UNDER THE INFLUENCE OF: 4 ALCOHOL BAC _____ 5 CONTROLLED SUBSTANCES 6 FAILING TO YIELD RIGHT OF WAY 7 DRIVING WHILE LICENSE OR PRIVILEGE REVOKED 8 DRIVING WHILE LICENSE OR PRIVILEGE SUSPENDED 9 DRIVING WHILE LICENSE OR PRIVILEGE CANCELLED 16 OTHER VIOLATIONS/SPECIFY (And Officer's Remarks) _____ CHECK IF APPROPRIATE <input type="checkbox"/> Accident causing damage to property <input type="checkbox"/> Accident causing injury	10 RUNNING RED LIGHT 11 DRIVING ON WRONG SIDE OF ROAD 12 FAILING TO STOP AT STOP SIGN 13 WITH IMPROPER (a) Muffler (b) Lights (c) Tires (d) Mirror (e) Brakes 14 PASSING IN PROHIBITED ZONE 20 IMPROPER TAG 21 MAKING IMPROPER TURN 22 OVERWEIGHT TRUCK

NAME

TICKET #

CASE #

NOTICE

IF YOU FAIL TO COMPLY WITH THESE INSTRUCTIONS THE COURT WILL ISSUE A WARRANT FOR YOUR ARREST. IN ADDITION, THE DEPARTMENT OF PUBLIC SAFETY WILL BE NOTIFIED TO SUSPEND YOUR DRIVER'S LICENSE.

READ CAREFULLY

- 1 YOU DO NOT HAVE TO APPEAR IN COURT FOR THE FOLLOWING OFFENSES UNLESS YOU HAVE BEEN CONVICTED OF TWO OR MORE MOVING VIOLATIONS DURING THE PRECEDING 12 MONTHS:

Driving on wrong side of road	Improper	Brakes	Following too closely
Failing to:		Lights	No helmet (Motorcycle rider)
Dim lights		Muffler	Running red light
Stop at railroad crossing		Passing	Running stop sign
Yield right of way		Signal	Speeding (unaggravated)
		Turn	Stopping on Highway

- 2 IF YOU ARE CHARGED WITH ONE OF THE ABOVE OFFENSES, AND HAVE NOT BEEN CONVICTED OF TWO OR MORE MOVING VIOLATIONS DURING THE PRECEDING 12 MONTHS, THE CLERK OF COURT OR MAGISTRATE MAY ACCEPT YOUR GUILTY PLEA, FINE, AND COURT COSTS.

- 3 THIS MAY BE ACCOMPLISHED WITHIN (7) DAYS FROM DATE OF CITATION OR AT THE DISCRETION OF THE CLERK OF COURT OR MAGISTRATE, NOT LATER THAN 24 HOURS BEFORE THE COURT DATE SHOWN ON THIS TICKET.

- 4 YOU MAY DO THIS IN PERSON BY CASH OR THROUGH THE MAIL BY CERTIFIED CHECK OR MONEY ORDER IF YOU WANT TO PLEAD GUILTY AND PAY THE FINE BY MAIL YOU MUST SIGN THE PLEA OF GUILTY SET FORTH BELOW AND CONTACT THE COURT FOR THE AMOUNT OF THE FINE AND COURT COSTS PAYABLE BY CERTIFIED CHECK OR MONEY ORDER TO THE CLERK OF THE COURT AT THE ADDRESS ON THIS TICKET

THIS COPY OF THE TICKET MUST BE PRESENTED IN PERSON OR MAILED IN WITH YOUR CERTIFIED CHECK OR MONEY ORDER

- 5 YOU MUST APPEAR IN COURT IF YOU ARE CHARGED WITH AN OFFENSE NOT LISTED ABOVE.

- 6 IF YOU HAVE NOT SETTLED THIS CASE PRIOR TO THE COURT DATE HEREIN INDICATED AND YOU DO NOT APPEAR IN COURT ON SUCH DATE, A WARRANT MAY BE ISSUED FOR YOUR ARREST SUBJECTING YOU TO PENALTIES IMPOSED BY LAW.

7. TICKETS ISSUED BY MUNICIPAL POLICE:

FOR MINOR EQUIPMENT VIOLATIONS, LOCAL ORDINANCES MAY ALLOW YOU TO HAVE THE EQUIPMENT REPAIRED AND INSPECTED WITHIN 72 HOURS, EXCLUDING SUNDAYS AND LEGAL HOLIDAYS AND PRESENT YOUR CITATION TO ANY LAW ENFORCEMENT OFFICER. THIS OFFICER, AFTER INSPECTION OF YOUR VEHICLE, MAY, BY SIGNING BELOW, RECOMMEND THAT YOUR TICKET BE VOIDED. YOU MUST THEN DELIVER OR FORWARD THE CITATION TO THE CLERK OF COURT AT THE ADDRESS ON THE FRONT OF THIS TICKET.

DEFECTIVE EQUIPMENT REPAIRED (OFFICER'S RECOMMENDATION TO VOID TICKET)	
EQUIPMENT INSPECTED	
INSPECTED BY (OFFICER'S NAME PRINTED)	OFFICER'S SIGNATURE
OFFICER ID	AGENCY OR I AL
DATE OF INSPECTION	TIME : <input type="checkbox"/> AM <input type="checkbox"/> PM

APPEARANCE — PLEA OF GUILTY AND WAIVER

I, THE UNDERSIGNED, DO HEREBY ENTER MY APPEARANCE ON THE COMPLAINT OF THE OFFENSE CHARGED ON THE OTHER SIDE OF THIS CITATION. I HAVE BEEN INFORMED OF MY RIGHT TO A TRIAL AND TO AN ATTORNEY, AND VOLUNTARILY AND KNOWINGLY WAIVE MY RIGHT TO SUCH. MY SIGNATURE TO THIS PLEA OF GUILTY IS VOLUNTARY AND KNOWINGLY MADE AND WILL HAVE THE SAME FORCE AND EFFECT AS A JUDGMENT OF COURT, AND THIS RECORD WILL BE SENT TO THE DRIVER'S LICENSE DIVISION OF THE ALABAMA DEPARTMENT OF PUBLIC SAFETY (OR OF THE STATE WHERE I RECEIVED MY LICENSE TO DRIVE). I DO HEREBY PLEAD GUILTY TO SAID OFFENSE AS CHARGED AND WAIVE MY RIGHTS TO REPRESENTATION BY ATTORNEY, TO A HEARING BY COURT OR JURY, AND TO ALL APPEALS.

OFFENSE	FINE \$	COURT COST \$	TOTAL DUE \$
DEFENDANT'S SIGNATURE	ADDRESS 		
DRIVER'S LICENSE NUMBER	RECEIPT NUMBER	DATE PAID	

1680

FORM UTC-1
REV 1-81ALABAMA UNIFORM TRAFFIC TICKET
AND COMPLAINT

CASE NUMBER

YEAR NUMBER

ALABAMA, COUNTY OF					TICKET NUMBER E	
The undersigned being duly sworn deposes and says that he has probable cause to believe and does believe that the person herein named committed the offense hereinafter set forth contrary to law in that on or about _____ MONTH _____ DAY _____ YEAR at _____ TIME <input type="checkbox"/> AM <input type="checkbox"/> PM						POLICE RECORD
FIRST NAME		MIDDLE MAIDEN		LAST		
ADDRESS			STREET			
CITY		STATE		ZIP CODE		
STATE		DRIVER'S LICENSE NUMBER		SEX RACE BIRTH DATE		DAY YEAR
VEHICLE TAG NUMBER			STATE YEAR		VEHICLE DESCRIPTION (YEAR MAKE TYPE)	
<input type="checkbox"/> OWNER <input type="checkbox"/> EMPLOYER			ADDRESS			
Did unlawfully operate a motor vehicle <input type="checkbox"/> within the city limits or police jurisdiction of _____, or <input type="checkbox"/> in _____ county upon the following public street, road or highway, at or near (Describe location below)						
				MILE POST NUMBER		STREET OR ROAD CODE
in violation of _____ <input type="checkbox"/> State code (or) <input type="checkbox"/> Municipal ordinance more particularly described in DESCRIPTION OF OFFENSE section below (See circle of description of offense)						
Sworn to and acknowledged before me this date			MONTH DAY YEAR		OFFICER'S SIGNATURE	
SIGNATURE AND TITLE			OFFICER ID		AGENCY OR I	
			AL			

COURT APPEARANCE INFORMATION					
In the		<input type="checkbox"/> MUNICIPAL <input type="checkbox"/> DISTRICT		Court of _____	
DATE	MONTH	DAY	YEAR	TIME	COURT ADDRESS
				<input type="checkbox"/> AM <input type="checkbox"/> PM	
<input type="checkbox"/> Driver's license posted in lieu of bond		<input type="checkbox"/> Released on own recognizance		<input type="checkbox"/> Bail required	
		<input type="checkbox"/> Court appearance required		<input type="checkbox"/> Bail not required	
I PROMISE TO APPEAR IN COURT AT SAID TIME AND PLACE OR OTHERWISE COMPLY WITH THE PROVISIONS OF THIS COMPLAINT					
DEFENDANT'S SIGNATURE			PHONE ()		

DESCRIPTION OF OFFENSE	
CIRCLE APPROPRIATE SQUARE	
<input type="checkbox"/> 1 SPEEDING - Did operate a motor vehicle at _____ miles per hour in a _____ MPH zone <input type="checkbox"/> 2 RECKLESS DRIVING <input type="checkbox"/> 3 DRIVING - Without first obtaining a driver's license DRIVING WHILE UNDER THE INFLUENCE OF <input type="checkbox"/> 4 ALCOHOL BAC _____ <input type="checkbox"/> 5 CONTROLLED SUBSTANCES <input type="checkbox"/> 6 FAILING TO YIELD RIGHT OF WAY <input type="checkbox"/> 7 DRIVING WHILE LICENSE OR PRIVILEGE REVOKED <input type="checkbox"/> 8 DRIVING WHILE LICENSE OR PRIVILEGE SUSPENDED <input type="checkbox"/> 9 DRIVING WHILE LICENSE OR PRIVILEGE CANCELLED <input type="checkbox"/> 10 OTHER VIOLATIONS SPECIFY (And Officer's Remarks) _____	<input type="checkbox"/> 10 RUNNING RED LIGHT <input type="checkbox"/> 11 DRIVING ON WRONG SIDE OF ROAD <input type="checkbox"/> 12 FAILING TO STOP AT STOP SIGN <input type="checkbox"/> 13 WITH IMPROPER (a) Muffler (b) Lights (c) Tires (d) Mirror (e) Brakes <input type="checkbox"/> 14 PASSING IN PROHIBITED ZONE <input type="checkbox"/> 28 IMPROPER TAG <input type="checkbox"/> 29 MAKING IMPROPER TURN <input type="checkbox"/> 42 OVERWEIGHT TRUCK
CHECK IF APPROPRIATE <input type="checkbox"/> Accident causing damage to property <input type="checkbox"/> Accident causing injury	

INSTRUCTIONS
TO OFFICER:

PRESS FIRMLY.

ASK IF MOTORIST'S ADDRESS IS CORRECT ON DRIVER'S LICENSE

NAME

TICKET #

CASE #

Lined area for notes, consisting of 25 horizontal lines.

1682

FORM UTC-1
REV. 1-81ALABAMA UNIFORM TRAFFIC TICKET
AND COMPLAINT

CASE NUMBER

YEAR NUMBER

ALABAMA, COUNTY OF					TICKET NUMBER E					
The undersigned, being duly sworn deposes and says that he has probable cause to believe and does believe that the person herein named committed the offense hereinafter set forth contrary to law in that on or about										ABSTRACT OF COURT RECORD/ DPS DATA INPUT COPY
MONTH	DAY	YEAR	AT APPROX	TIME	<input type="checkbox"/> AM <input type="checkbox"/> PM					
FIRST NAME		MIDDLE MAIDEN			LAST					
ADDRESS					STREET					
CITY					STATE			ZIP CODE		
STATE		DRIVER'S LICENSE NUMBER			SEX RACE		BIRTHDATE		DAY YR	
VEHICLE TAG NUMBER				STATE YEAR		VEHICLE DESCRIPTION (YEAR MAKE & TYPE)				
<input type="checkbox"/> OWNER <input type="checkbox"/> EMPLOYER					ADDRESS					
Did unlawfully operate a motor vehicle <input type="checkbox"/> within the city limits or police jurisdiction of										
following public street, road or highway, at or near (Describe location below)										
					MILE POST NUMBER		STREET OR ROAD CODE			
in violation of _____ <input type="checkbox"/> State code (or) <input type="checkbox"/> Municipal ordinance										
more particularly described in DESCRIPTION OF OFFENSE section below (See circle of description of offense)										
Sworn to and acknowledged before me this date					MONTH DAY YEAR		OFFICER'S SIGNATURE			
SIGNATURE AND TITLE					OFFICER ID		AGENCY OR I			
					AL					

COURT APPEARANCE INFORMATION									
In the <input type="checkbox"/> MUNICIPAL <input type="checkbox"/> DISTRICT Court of _____					NAME				
DATE MONTH DAY YEAR		TIME		COURT ADDRESS					
<input type="checkbox"/> Driver's license posted in lieu of bond					<input type="checkbox"/> Released on own recognizance <input type="checkbox"/> Bail required <input type="checkbox"/> Bail not required				
I PROMISE TO APPEAR IN COURT AT SAID TIME AND PLACE OR OTHERWISE COMPLY WITH THE PROVISIONS OF THIS COMPLAINT.									
DEFENDANT'S SIGNATURE _____					PHONE () _____				

DESCRIPTION OF OFFENSE CIRCLE APPROPRIATE SQUARE									
<input type="checkbox"/> 1 SPEEDING - Did operate a motor vehicle at _____ miles per hour in a _____ MPH zone					TICKET # m				
<input type="checkbox"/> 2 RECKLESS DRIVING									
<input type="checkbox"/> 3 DRIVING - Without first obtaining a driver's license					<input type="checkbox"/> 10 RUNNING RED LIGHT				
DRIVING WHILE UNDER THE INFLUENCE OF:					<input type="checkbox"/> 11 DRIVING ON WRONG SIDE OF ROAD				
<input type="checkbox"/> 4 ALCOHOL BAC _____					<input type="checkbox"/> 12 FAILING TO STOP AT STOP SIGN				
<input type="checkbox"/> 5 CONTROLLED SUBSTANCES					<input type="checkbox"/> 13 WITH IMPROPER (a) Muffler, (b) Lights, (c) Tires (d) Mirror, (e) Brakes				
<input type="checkbox"/> 6 FAILING TO YIELD RIGHT OF WAY					<input type="checkbox"/> 14 PASSING IN PROHIBITED ZONE				
<input type="checkbox"/> 7 DRIVING WHILE LICENSE OR PRIVILEGE REVOKED					<input type="checkbox"/> 28 IMPROPER TAG				
<input type="checkbox"/> 8 DRIVING WHILE LICENSE OR PRIVILEGE SUSPENDED					<input type="checkbox"/> 29 MAKING IMPROPER TURN				
<input type="checkbox"/> 9 DRIVING WHILE LICENSE OR PRIVILEGE CANCELLED					<input type="checkbox"/> 47 OVERWEIGHT TRUCK				
<input type="checkbox"/> 16 OTHER VIOLATIONS/SPECIFY: (And Officer's Remarks) _____									
CHECK IF APPROPRIATE <input type="checkbox"/> Accident causing damage to property <input type="checkbox"/> Accident causing injury									

INSTRUCTIONS
TO OFFICER:

PRESS FIRMLY.

ASK IF MOTORIST'S ADDRESS IS CORRECT ON DRIVER'S LICENSE

1683
COURT RECORD
COURT ACTION AND DISPOSITION

COURT CASE NO.

YEAR NUMBER

IN THE <input type="checkbox"/> MUNICIPAL <input type="checkbox"/> DISTRICT COURT OF _____		TICKET NUMBER E	
DEFENDANT'S NAME _____			
BAIL FIXED AT \$ _____	CASH BAIL DEPOSITED \$ _____	<input type="checkbox"/> DRIVER'S LICENSE DEPOSITED IN LIEU OF BOND	<input type="checkbox"/> RELEASED ON OWN RECOGNIZANCE
CONTINUED TO _____		REASON _____	
CONTINUED TO _____		REASON _____	
DATE WARRANT ISSUED _____		DATE SERVED _____	
DATE WARRANT ISSUED _____		DATE SERVED _____	
COURT DATE _____		COURT O.R. AL J	
COURT DATE _____		COURT O.R. AL J	

Plea of Defendant <input type="checkbox"/> Guilty as charged <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty			
Finding of the Court <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty		<input type="checkbox"/> Responded to FTA Notice	

Orders of the Court _____

<input type="checkbox"/> Fine \$ _____	+ Court Costs \$ _____	= Total \$ _____
<input type="checkbox"/> Jailed _____ Days In _____		
Traffic School DUI <input type="checkbox"/> DDC <input type="checkbox"/> Location _____		
<input type="checkbox"/> License Suspended for:	DAYS _____	MONTHS _____ YEARS _____
<input type="checkbox"/> CASE APPEALED	MONTH _____ DAY _____ YEAR _____	
DISPOSITION DATE ► _____		SIGNATURE OF JUDGE/MAGISTRATE/COURT OFFICIAL _____

SUMMARY OF COURT COSTS AND FINE

TYPE OF ARREST: <input type="checkbox"/> STATE <input type="checkbox"/> COUNTY <input type="checkbox"/> MUNICIPAL		
DESCRIPTION	DISTRICT COURT	MUNICIPAL COURT
1. DISTRICT COURT CONSOLIDATED DOCKET FEE - \$22.50		
2. MUNICIPAL COURT COST - BY ORDINANCE, MAXIMUM \$10.00		
3. MUNICIPAL COURT - SPECIAL COSTS \$4.00		
4. WITNESS SUBPOENA - \$2.00 EACH IN DISTRICT COURT		
5. LAW LIBRARY FEE		
6. OTHER		
TOTAL COSTS	\$ _____	\$ _____
7. FINE	\$ _____	\$ _____
TOTAL COSTS & FINE	\$ _____	\$ _____

RECORD OF CASH RECEIPTS

RECEIVED FROM	DATE RECEIVED	RECEIPT NUMBER	AMOUNT

January 5, 1981

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
OCTOBER TERM 1980-81

ORDER

WHEREAS, Rule 2, Alabama Rules of Judicial Administration, was amended on December 2, 1980, and

WHEREAS, it has been recommended to the Court that Subsection (B) (2) (a) of said Rule 2 and the comments pertaining thereto be amended,

IT IS, THEREFORE, ORDERED by the Supreme Court of Alabama that Rule 2, Alabama Rules of Judicial Administration, be amended to read as follows, said amendment to become effective on January 2, 1981.

RULE 2

RELEASE, DISCRETIONARY BOND SCHEDULE

(A) **RIGHT TO RELEASE.** The court may release any person charged with an offense bailable as a matter of right on his own recognizance, pending or during trial, unless the court determines, in its discretion, that release will not reasonably assure the defendant's appearance as required, or that the defendant's being at large poses a real and present danger to others, or to the public at large. If the court determines that the defendant cannot be released on his own recognizance, the court may impose the least onerous condition or conditions in Subsection (B) (2) which will reasonably assure the defendant's appearance or which will eliminate or minimize the risk of harm to others or the public at large. In determining upon what conditions the defendant may be released, the court may take into account the following:

- (1) The defendant's length of residence in his place of domicile;
- (2) The defendant's employment status and history and financial condition;
- (3) The defendant's family ties and relationships;
- (4) The defendant's reputation, character, and apparent mental condition;
- (5) The defendant's prior criminal record including prior releases on recognizance or secured appearance, and other pending cases;

(6) The identity of responsible members of the community who will vouch for the defendant's reliability;

(7) The nature of the offense charged, the apparent probability of conviction and likely sentence, insofar as these factors are relevant to the risk of nonappearance; and

(8) Any other relevant factors indicating defendant's ties to the community or bearing on the risk of willful failure to appear.

(B) **CONDITIONS OF RELEASE.** Mandatory conditions shall attach to every order of release along with such other conditions as the court in its discretion deems reasonably necessary to secure the defendant's appearance.

(1) **Mandatory Conditions.** Every order of release under this rule shall contain the conditions that the defendant:

(a) Appear to answer and submit himself to the orders and process of the court having jurisdiction of the case;

(b) Refrain from committing any criminal offense;

(c) Not depart from the state without leave of court; and

(d) Promptly notify the court of any change of address.

(2) **Additional Conditions.** An order of release may include any one or more of the following conditions reasonably necessary to secure a person's appearance. If the court determines that a bond, either secured or unsecured, may be reasonably necessary to secure the defendant's appearance, the court shall use the "discretionary bond schedule" as a guide in determining the amount of the bond. The court may require the defendant to:

(a) Execute an appearance bond in an amount specified by the court, either with or without requiring that the defendant deposit with the clerk of the court cash or certified funds in such percentage of the appearance bond as the court may establish, which deposit when required, shall be returned to the defendant upon his full compliance with and release from the appearance bond.

(b) Require the defendant to execute a secured appearance bond.

(c) Place the defendant in the custody of a designated person or organization agreeing to supervise him.

(d) Restrict the defendant's travel, associations, or place of abode during the period of release.

(e) Require the defendant to return to custody after specified hours.

(f) Require any other conditions which the court deems reasonably necessary.

(C) **DISCRETIONARY BOND SCHEDULE.** When it is determined that a bond may be reasonably necessary to secure a defendant's appearance as required, the following schedule is established as a general guide for courts in setting bond for persons who seek to be released from custody. Courts should exercise discretion in increasing or decreasing bonds above or below the discretionary scheduled amounts.

DISCRETIONARY BOND SCHEDULE RECOMMENDED RANGE

FELONIES:

Capital Felony	\$2,000 to \$20,000 to No Bond
Murder	1,000 to 20,000 to No Bond
Class A Felony	1,000 to 10,000 to No Bond
Class B Felony	750 to 7,500
Class C Felony	500 to 5,000
Escape	1,000 to 20,000
Bail Jumping, 1st Degree	1,000 to 20,000
Habitual Offender	1,000 to 20,000 to No Bond

MISDEMEANORS:

Class A Misdemeanor	300 to 1,000
Class B Misdemeanor	100 to 300
Class C Misdemeanor	50 to 100
Bail Jumping, 2nd Degree	500 to 10,000
Unclassified Misdemeanors	300 to 500
Violation	50 to 100

DRUG OFFENSES:

Possession of marijuana (Misdemeanor)	300 to 1,000
Possession of marijuana for sale (Felony)	1,000 to 5,000
Possession of heroin	1,000 to 5,000
Possession of heroin for sale	1,000 to 10,000
Possession of cocaine	1,000 to 5,000
Sale of cocaine	1,000 to 10,000
Possession of LSD	1,000 to 5,000
Sale of LSD	1,000 to 10,000
Possession of amphetamines	500 to 5,000
Sale of amphetamines	1,000 to 10,000
Possession of barbiturates	500 to 5,000
Sale of barbiturates	1,000 to 10,000
Illegal possession of prescription drugs	500 to 5,000
Illegal sale of prescription drugs	1,000 to 10,000
All other noncapital drug felonies	500 to 5,000

TRAFFIC VIOLATIONS:

Driving under influence	100 to	500 (out of county)
Reckless driving	100 to	300
Speeding	50 to	100
Other traffic violations	50 to	100

(D) **ORDER STATING CONDITIONS OF RELEASE.** If the defendant is charged with an offense bailable as a matter of right, the court shall issue an order containing the conditions of release and shall inform the defendant of the conditions, the possible consequences of their violation and that a warrant for his arrest will be issued immediately upon receipt of a credible report of a violation.

(E) **AMENDMENT OF CONDITIONS.** If the defendant is in custody, the court may, for good cause shown, either on its own initiative or on application of either party, modify the conditions of release, after first giving the parties an adequate opportunity to respond to the proposed modification.

COMMENT

The 8th Amendment to the United States Constitution provides, "Excessive bails shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Article 1, Section 16 of the Alabama Constitution of 1901 provides:

"That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and that excessive bail shall not in any case be required." (Emphasis supplied.)

Rule 2 is applicable to pretrial release and is based on the presumption of innocence of the accused and the policy that a defendant should be released pending trial, whenever possible, assuming that the offense is bailable. The defendant is eligible for a recognizance release unless the judge determines that the defendant's presence would not thereby be reasonably assured or that the defendant poses a real and present danger of harm to others. The list of factors to be considered is taken from the ABA Standards Relating to Pretrial Release, Section 5.1 (approved Draft, 1968). In this jurisdiction, giving incorrect information is a basis for revocation of release as well as a basis for a charge of perjury.

Rule 2(B)(1) provides mandatory conditions of release which apply in every release order. Rule 2(B)(2) allows the court the flexibility to fashion other conditions of release. Subsection (a) provides the court the alternative of having the defendant post a refundable cash deposit in such percentage of the appearance bond as the court may establish.

“Own recognizance” as used in Rule 2 means a release of the defendant without any condition of an undertaking relating to, or deposit of, security. “Appearance Bond” is an undertaking to pay the State of Alabama a specified sum of money upon the failure of a person released to comply with its conditions. “Secured appearance bond” is an appearance bond secured by deposit with the clerk of the court of security equal to the full amount thereof. “Security” is cash, certified funds, or a surety’s undertaking, deposited with the clerk to secure an appearance bond.

The discretionary bond schedule in Rule 2(C) should be regarded only as a guide for the exercise of judicial discretion. The schedule is based in part on the offense classification system established under the Alabama Criminal Code. A “capital felony” category was established to cover those offenses provided in Article 2 of Chapter 5 of Title 13A, Alabama Criminal Code, or any amendments thereto. An “unclassified misdemeanor” category is included to encompass any misdemeanor established outside the Alabama Criminal Code and not coming within its classification system or provided for elsewhere within the schedule. A “habitual offender” classification has also been included for those defendants who, upon conviction of the crime charged, will be subject to punishment as a habitual offender. Because Drug Offenses and Traffic Infractions are provided outside the Alabama Criminal Code, these offenses are itemized separately.

Rule 2(E) provides a mechanism whereby the judge on his own initiative or on application of either party may modify the conditions of release of a defendant who is in custody and make them either more or less stringent depending on the circumstances.

The existence of these provisions is not to be construed to prohibit a magistrate from receiving a defendant’s guilty plea without a court appearance in minor misdemeanors where a schedule of fines has been prescribed by rule. Nor should this rule be construed to prohibit a magistrate who is operating under the direction of the court from setting bond when issuing arrest warrants or releasing a defendant on bond in minor misdemeanor prosecutions as set forth in Rule 18.

This rule is based upon Section 4-106(b) of Act No. 1205, Acts of Alabama, 1975 Regular Session.

All Justices concur.

I, J.O. Sentell, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 14 day of January, 1981.

J. O. SENTELL
Clerk, Supreme Court of Alabama

**REPORT OF THE
STATE JUDICIAL COMPENSATION
COMMISSION TO THE 1981 SESSION
OF THE ALABAMA LEGISLATURE**

The Judicial Compensation Commission hereby files its report with the 1981 Regular Session of the Alabama Legislature.

The Commission notes that the 1980 Legislature increased the salary of all judges, and it is the judgment of the majority of this Commission that a cost of living raise should be granted in the amount of seven and one-half (7 1/2%) per cent.

Accordingly, it is recommended to the Legislature that the annual salary and expense allowance to be paid from the State Treasury for Appellate, Circuit, and District Judges of this State be increased by seven and one-half (7 1/2%) per cent, and be fixed as follows:

Supreme Court of Alabama	
Chief Justice	\$53,212.50
Associate Justices	\$52,675.00
Court of Criminal Appeals and Court of Civil Appeals	
Presiding Judge	\$52,137.50
Associate Justices	\$51,600.00
Circuit Judges	\$39,291.25
District Judges	\$31,712.50

ADOPTED by the affirmative vote of the below named four members of the Judicial Compensation Committee with one dissent, which is attached hereto and made a part hereof.

CERTIFIED to the Secretary of the State of Alabama and submitted to the Legislature all this 14th day of January, 1981.

J. CLEWIS TRUCKS, Chairman
O. D. MASON, JR.
BOYD WHIGHAM
T. MASSEY BEDSOLE

D I S S E N T

I respectfully dissent.

For the third consecutive year I will state the reasons for my

dissent. In my view, when a person is elected to public office he makes a contract with the electorate that he will serve during the period for which he was elected at the salary which he knew to be in effect at the time he assumed the office. To ask, expect or accept additional compensation during that term of office is a violation of the contract under which he took the office. Therefore, as a matter of principle and conscience, I will not be a party to raising the salary or allowances of any elected official during the term of office to which he was elected.

Elisha C. Poole

March 6, 1981

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
OCTOBER TERM, 1980-81

ORDER

WHEREAS, the Court deems it advisable to adopt special procedures in cases wherein the sentence of death is sought,

NOW, THEREFORE, IT IS CONSIDERED AND ORDERED by the Supreme Court of Alabama on this the 6th day of March, 1981, that the Temporary Rules of Criminal Procedure, heretofore adopted, be amended by adding thereto Rule 12, which shall read as follows:

Rule 12, Alabama Rules of Criminal Procedure – Temporary Rules. In all cases wherein a sentence of death is sought, whether the person charged with the capital offense is convicted of the capital offense, of some lesser included offense, or is acquitted, and whether a sentence of death is imposed, the trial judge shall prepare, or cause to be prepared, a report in a form substantially as shown in Appendix A attached hereto.

The report shall be filed in the Court of Criminal Appeals within 42 days (six weeks) after the entry of the sentence, or the judgment of acquittal, whichever is applicable, in all cases wherein a sentence of death is sought. A copy of the report shall also be filed with the Clerk of the Supreme Court of Alabama.

In all cases in which a sentence of death is imposed, an appeal is automatically taken on behalf of the defendant without the necessity for any action by the defendant or his counsel. During the pendency of the appeal, the execution of the sentence shall be stayed.

In addition to all other appellate remedies afforded, a defendant

who has been sentenced to death shall have an automatic right to have the Court of Criminal Appeals review the sentence of death to determine if in the light of all the circumstances surrounding the case, the nature of the offense committed, the character and past history of the defendant, and information contained in reports required to be filed by this Rule, the sentence of death was arbitrarily or freakishly imposed.

In conducting appellate review of the death sentence, the Court of Criminal Appeals, on the original appeal, or the Supreme Court of Alabama if the case is being reviewed under the provisions of Rule 39(k), ARAP, may consider the matters contained in the record on appeal, and may also consider any information contained in the reports required to be filed by this rule.

If, upon review, a majority of the members of the Court of Criminal Appeals is of the opinion that the sentence of death was arbitrarily or freakishly imposed, the Court of Criminal Appeals shall issue an order reducing the sentence originally imposed to a sentence of life imprisonment without parole. If the sentence of death is reduced to a sentence of life imprisonment without parole, the Court of Criminal Appeals shall prepare a written opinion, stating specifically its reasons for determining that the sentence of death was arbitrarily or freakishly imposed in the case.

IT IS FURTHER ORDERED that this order shall become effective March 6, 1981.

Maddox, Faulkner, Jones, Shores, Embry, Beatty, and Adams, JJ., concur.

Torbert, C. J., and Almon, J., dissent.

I, J.O. Sentell Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 6 day of March, 1981.

J. O. SENTELL
Clerk, Supreme Court of Alabama

APPENDIX A

Report of The Trial Judge

of the

Circuit Court of _____ County, Alabama

State v. _____ No. _____

(A case in which the death penalty was sought or imposed.)

A. Data Concerning the Defendant

NAME _____ Date of Birth _____
Mo. Day Year

Social Security Number _____ Sex: M [] F []

Marital Status: Never Married [] Race of Defendant:

Married [] Black []

Divorced [] White []

Spouse Deceased [] Other _____

Children:

(a) Number of children _____

(b) Ages of children: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18

(Circle age of each child)

Father living: Yes [] No []

If deceased, give date of death _____

Mother living: Yes [] No []

If deceased, give date of death. _____

Number of children born to parents: _____

Education — Highest Grade Completed: 1 2 3 4 5 6 7 8 9 10 11 12

(Circle one)

[13 14 15 16]

(College)

Intelligence Level: (IQ below 70) Low []

(IQ 70 to 100) Medium []

(IQ above 100) High []

Unknown []

Psychiatric Evaluation Performed? Yes [] No []

If performed, is defendant:

(a) Able to distinguish right from wrong? Yes [] No []

(b) Able to adhere to the right? Yes [] No []

(c) Able to cooperate intelligently in his own defense? Yes [] No []

If examined, were character or behavior disorders found? Yes [] No []

(if answer is yes, please elaborate) _____

What other pertinent psychiatric (and psychological) information was revealed? _____

Prior Work Record of Defendant:

TYPE JOB PAY DATES HELD REASON FOR TERMINATION

- (a) _____
- (b) _____
- (c) _____
- (d) _____
- (e) _____
- (f) _____

Which of the following statutory aggravating circumstances (§13-11-6) were instructed and which were found?

	INSTRUCTED	FOUND
(1) The capital felony was committed by a person under sentence of imprisonment;		
(2) The defendant was previously convicted of another capital felony or a felony involving the use or threat of violence to the person;	[]	[]
(3) The defendant knowingly created a great risk of death to many persons;	[]	[]
(4) The capital felony was committed while the defendant was engaged or was an accomplice in the commission of, or an attempt to commit, or flight after committing, or attempting to commit, rape, robbery, burglary or kidnapping for ransom;	[]	[]
(5) The capital felony was committed for the purpose of avoiding or preventing		

- | | | | |
|-----|---------------------------------------------------------------------------------------------------------------------------------------|-----|-----|
| | a lawful arrest or effecting an escape from custody; | [] | [] |
| (6) | The capital felony was committed for pecuniary gain; | [] | [] |
| (7) | The capital felony was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws; or | [] | [] |
| (8) | The capital felony was especially heinous, atrocious or cruel. | [] | [] |

List non-statutory aggravating circumstances indicated by the evidence, if any (include any aggravating circumstance averred in the indictment (§13-11-2) but not enumerated in §13-11-6):

- | | | | |
|-----|-------|-----|-----|
| (a) | _____ | [] | [] |
| (b) | _____ | [] | [] |
| (c) | _____ | [] | [] |
| (d) | _____ | [] | [] |

Was there evidence of mitigating circumstances? YES []
NO []

If so, which of the following mitigating circumstances was in evidence?

- (1) The defendant has no significant history of prior criminal activity; []
- (2) The capital felony was committed while the defendant was under the influence of extreme mental or emotional disturbance; []
- (3) The victim was a participant in the defendant's conduct or consented to the act; []
- (4) The defendant was an accomplice in the capital felony committed by another person and his participation was relatively minor; []
- (5) The defendant acted under extreme duress or under the substantial domination of another person; []
- (6) The capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of

law was substantially impaired; and []

(7) The age of the defendant at the time of the crime. []

(8) Other [] (Please explain if #8 is checked.) _____

B. DATA CONCERNING THE TRIAL

Was the case tried with or without a jury? WITH []
WITHOUT []

How did the defendant plead: GUILTY [] NOT GUILTY []

C. OFFENSE RELATED DATA

Capital Offense For Which Penalty Sought or Imposed:

- (1) Kidnapping for ransom or attempts thereof, when the victim is intentionally killed by the defendant; []
- (2) Robbery or attempts thereof when the victim is intentionally killed by the defendant; []
- (3) Rape when the victim is intentionally killed by the defendant; carnal knowledge of a girl under 12 years of age, or abuse of such girl in an attempt to have carnal knowledge, when the victim is intentionally killed by the defendant; []
- (4) Nighttime burglary of an occupied dwelling when any of the occupants is intentionally killed by the defendant; []
- (5) The murder of any police officer, sheriff, deputy, state trooper or peace officer of any kind, or prison or jail guard while such prison or jail guard is on duty or because of some official or job-related act or performance of such officer or guard; []
- (6) Any murder committed while the defendant is under sentence of life imprisonment; []
- (7) Murder in the first degree when the killing was done for a pecuniary or other valuable consideration or pursuant to a contract or for hire; []
- (8) Indecent molestation of, or an attempt to indecently molest, a child under the age of 16 years, when the child victim is intentionally killed by the defendant; []
- (9) Willful setting off or exploding dynamite or other explosive under circumstances now punishable by section 13-2-60 or 13-2-61,

when a person is intentionally killed by the defendant because of said explosion; ☐ ☐

- (10) Murder in the first degree wherein two or more human beings are intentionally killed by the defendant by one or a series of acts; ☐ ☐
- (11) Murder in the first degree where the victim is a public official or public figure and the murder stems from or is caused by or related to his official position, acts or capacity; ☐ ☐
- (12) Murder in the first degree committed while the defendant is engaged or participating in the act of unlawfully assuming control of any aircraft by use of threats or force with intent to obtain any valuable consideration for the release of said aircraft or any passenger or crewman thereon, or to direct the route or movement of said aircraft, or otherwise exert control over said aircraft; ☐ ☐
- (13) Any murder committed by a defendant who has been convicted of murder in the first or second degree in the 20 years preceding the crime; or
- (14) Murder when perpetrated against any witness subpoenaed to testify at any preliminary hearing, trial or grand jury proceeding against the defendant who kills or procures the killing of witness, or when perpetrated against any human being while intending to kill such witness. ☐ ☐

If tried with jury, did the jury recommend the death sentence?

☐ ☐ YES ☐ ☐ NO

Statutory aggravating circumstances found:

☐ ☐ YES ☐ ☐ NO

If tried with a jury, was the jury instructed on lesser included offenses, if supported by the evidence?

☐ ☐ YES ☐ ☐ NO

Does the defendant's physical or mental condition call for special consideration?

☐ ☐ YES ☐ ☐ NO

Although the evidence suffices to sustain the verdict, does it foreclose all doubt respecting the defendant's guilt?

☐ ☐ YES ☐ ☐ NO

Was the victim related by blood or marriage to defendant?

☐ ☐ YES ☐ ☐ NO

(If answer is yes, what was the relationship?_____)

Was the victim an employer or employee of defendant?

- ☐ NO
☐ Employer
☐ Employee

Was the victim acquainted with the defendant?

- ☐ NO
☐ Casual Acquaintance
☐ Friend

Was the victim a local resident or transient in the community?

- ☐ Resident
☐ Transient

Was the victim the same race as defendant?

- ☐ YES ☐ NO

If the victim was not the same race as defendant, specify race of victim: _____

Was the victim the same sex as the defendant?

- ☐ YES ☐ NO

Was the victim held hostage during the crime?

- ☐ NO
☐ YES – Less than an hour
☐ YES – More than an hour

Was the victim's reputation in the community:

- ☐ Good
☐ Bad
☐ Unknown

Was the victim physically harmed or tortured?

- ☐ YES ☐ NO

If yes, state extent of harm or torture: _____

What was the age of the victim? _____

If a weapon was used in commission of the crime, was it?

- ☐ No weapon used
☐ Poison
☐ Motor Vehicle
☐ Blunt Instrument
☐ Sharp Instrument
☐ Firearm
☐ Other _____

Does the defendant have a record of prior convictions?
YES ☐ NO ☐

If answer is YES, list the offenses, the dates of the offenses and the sentences imposed:

OFFENSE	DATE OF OFFENSE	SENTENCE IMPOSED
(a)	_____	_____
(b)	_____	_____
(c)	_____	_____
(d)	_____	_____

Was there evidence the defendant was under the influence of narcotics or dangerous drugs at the time of the offense?

YES ☐ NO ☐

Was the defendant a local resident or transient in the community?

☐ RESIDENT ☐ TRANSIENT

D. REPRESENTATION OF DEFENDANT

Date counsel secured: _____

How was counsel secured?

- (a) Retained by defendant ☐
- (b) Appointed by court ☐

If counsel was appointed by court, was it because

- (a) Defendant unable to afford counsel? ☐
- (b) Defendant refused to secure counsel? ☐
- (c) Other (explain) _____
- _____
- _____

How many years has counsel practiced law?

- (a) 0 to 5 ☐
- (b) 5 to 10 ☐
- (c) over 10

What is the nature of counsel's practice?

- (a) mostly civil ☐
- (b) General ☐
- (c) Mostly criminal ☐

Did the same counsel serve throughout the trial? YES ☐
☐ NO

If not, explain in detail: _____

(If more than one counsel served, answer the above questions as to each counsel and attach to this report.)

E. GENERAL CONSIDERATIONS

1. Was race raised by the defense as an issue in the trial?
☐ YES ☐ NO
2. Did race otherwise appear as an issue in the trial?
☐ YES ☐ NO
3. What percentage of the population of your county is the same race as the defendant?

(a)	Under 10%	[]
(b)	10 to 25%	[]
(c)	25 to 50%	[]
(d)	50 to 75%	[]
(e)	75 to 90%	[]
(f)	Over 90%.....	[]
4. Were members of defendant's race represented on the jury?
☐ YES ☐ NO
 If not, was there any evidence they were systematically excluded from the jury?
☐ YES ☐ NO
5. Was the jury instructed to exclude race as an issue?
☐ YES ☐ NO
6. Was there extensive publicity in the community concerning this case?
☐ YES ☐ NO
7. If so, was the jury instructed to disregard such publicity?
☐ YES ☐ NO
8. Was the jury instructed to avoid any influence of passion, prejudice, or any other arbitrary factor when imposing sentence?
☐ YES ☐ NO
9. Was there any evidence that the jury was influenced by passion, prejudice, or any other arbitrary factor when imposing sentence?
☐ YES ☐ NO

If answer is YES, what was that evidence? _____

10. General comments of the trial judge concerning the appropriateness of the sentence imposed in this case:

F. CHRONOLOGY OF CASE

ELAPSED

Date of Offense: _____	_____
Date of Arrest: _____	_____
Date Trial Began: _____	_____
Date Sentence Imposed: _____	_____
Date Post Trial Motions Ruled On: _____	_____
Date Trial Judge's Report Completed: _____	_____
Date Received by Court of Criminal Appeals: _____	_____
Date Sentence Review Completed: _____	_____
Total Elapsed Days: _____	_____
To be completed by Court of Criminal Appeals.	

This report was submitted to the defendant's counsel for such comments as he desired to make concerning the factual accuracy of the report, and

- | | |
|-----------------------------------|-----|
| (1) His comments are attached: | [] |
| (2) He stated he had no comments: | [] |
| (3) He has not responded: | [] |

 Judge
 Circuit Court of _____ County

March 6, 1981

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
OCTOBER TERM, 1980-81

ORDER

WHEREAS, the Appellate Rules Committee has recommended to this Court the adoption of a rule pertaining to the appointment and use of appellate experts, and it has recommended provisions which are incorporated in the order hereinafter adopted, and

WHEREAS, the Court deems it is proper to adopt rules pertaining to the appointment and use of appellate experts, IT IS, THEREFORE, ORDERED on this the 4th day of March, 1981, that the Alabama Rules of Appellate Procedure be amended by adding thereto Rule 33A, which shall read as follows:

RULE 33A

APPOINTMENT AND USE OF APPELLATE EXPERT

(a) Introduction. This rule shall apply only to appeals taken to the supreme court in cases involving controversies respecting rates and charges of telephone companies or public utilities. The chief justice of the supreme court, with the advice and consent of the supreme court, is hereby authorized to appoint such appellate expert(s) as he deems necessary to aid the supreme court in its appellate proceedings. Party(ies) may move for or object to the appointment of an appellate expert in accordance with the provisions of Rule 27 of the Alabama Rules of Appellate Procedure.

(b) Selection of Appellate Expert. (1) When the chief justice of the supreme court, with the advice and consent of the supreme court, decides to appoint an appellate expert, the clerk of the supreme court shall serve notice on the parties to a case on appeal. If all the parties can agree upon one person to serve as an appellate expert in the case on appeal, the parties may file a joint motion with the clerk within fourteen days of service of notice that an appellate expert will be appointed indicating such agreement and the name and biographical data of the one expert. If the parties do not agree upon an expert, each party to the case under appeal may submit within fourteen days of service of notice that an appellate expert will be appointed the names and biographical data of one or more persons who may qualify as an appellate expert in that case. The clerk shall also request the names and biographical data of potential appellate experts that have expertise in the issue(s) under appeal. There shall be no oral or written communication between potential appellate experts and members of the supreme court.

(2) When the clerk has compiled a list of names and biographical data of potential appellate experts, he shall serve the list on the parties to the case on appeal. Within seven days after service the parties may submit any additional information relevant to the criteria for selection of an appellate expert concerning the persons named on the list. The clerk shall submit the list and additional information to the supreme court. The parties may communicate with appellate experts named on the list only in writing and by filing any written communication with the clerk and by sending copies of any written communication to the other parties.

(3) The chief justice of the supreme court, with the advice and consent of the supreme court, shall use the following criteria to select the names of three potential appellate experts from the list submitted by the clerk:

(A) lack of bias in the case under appeal;

(B) expertise in the issue(s) under appeal; and

(C) ability to present complex scientific and technological information in a judicial setting.

(4) The clerk shall serve the parties with the names of the three potential appellate experts selected by the supreme court. The party(ies) - appellant(s) and the party(ies) - appellee(s) may strike the name of one potential appellate expert each by filing the name to be stricken with the clerk of the supreme court within seven days of service of the list of three potential appellate experts. The one name not stricken shall be the appellate expert. In the event that the party(ies) - appellant(s) or party(ies) - appellee(s) cannot agree by majority vote upon a strike or otherwise fail to file a strike, the chief justice of the supreme court, with the advice and consent of the supreme court, shall select the appellate expert from the names not stricken from the list of potential appellate experts.

(c) Instructions to the Appellate Expert. Once the chief justice of the supreme court, with the advice and consent of the supreme court, has selected an appellate expert, the clerk of the supreme court shall prepare and deliver to the appellate expert instructions that contain the following provisions:

(1) the appellate expert shall be compensated by the supreme court at a reasonable rate;

(2) the appellate expert's conduct shall be governed by the Alabama Canons of Judicial Ethics as they apply to judges pro tempore;

(3) the appellate expert shall communicate with the supreme court by written documents in response to written inquiries submitted

by the clerk of the supreme court;

(4) the inquiries submitted to the appellate expert shall be limited to the issues on appeal;

(5) the appellate expert shall not decide issues of law or fact, shall not offer expert opinion on the ultimate issues in the case on appeal, but shall render assistance as required by the supreme court; and

(6) the appellate expert's written response shall respond to the inquiries submitted by the clerk of the supreme court based solely upon the record on appeal and shall not provide any new or additional evidence, either factual or opinion, in a case on appeal.

If the appellate expert has any questions concerning these instructions or any other aspect of this procedure, the appellate expert may submit questions in writing to the clerk of the supreme court. The clerk shall reply in accordance with the provisions of Ala. Code (1975) §12-2-19(d) and send copies of that reply to the parties to the case on appeal.

(d) **Inquiries, Responses, Briefs, Objections, and Enlargement of Time.** (1) Each written inquiry from the clerk of the supreme court to the appellate expert shall be served upon the parties and remain on file with the clerk for seven days before being submitted to the appellate expert. The parties may file briefs in response to the inquiry and these briefs shall be submitted to the appellate expert along with the inquiry.

(2) The appellate expert shall file with the clerk of the supreme court a written response to the inquiry submitted by the clerk of the supreme court within fourteen days from receipt of the inquiry. The clerk shall serve a copy of the appellate expert's written response on the parties and the written response shall remain on file for seven days before being submitted to the supreme court. The parties may file briefs concerning the appellate expert's response and these briefs shall be submitted to the supreme court along with the response.

(3) Parties may object to the form of substance of the written inquiry submitted by the clerk of the supreme court and to the appellate expert's written response. Objections shall be made within seven days after the inquiry or response is served upon the party making the objection.

(4) Enlargements of time for filing may be granted in accordance with the provisions of Rule 26(b) of the Alabama Rules of Appellate Procedure.

Rule 33A derives from Alabama Code (Supp. 1980) §37-1-143. This statute was passed by the Alabama Legislature in 1978 to allow a direct appeal from the Public Service Commission to the Alabama Supreme Court in utility rate-making cases. In an effort to assist the supreme court to handle the size and complexity of these cases without the benefit of a trial record, the Alabama Legislature passed the following provisions: "... the chief justice of the supreme court, with the advice and consent of the supreme court, is hereby authorized to appoint such special masters, accountants, utility rate-making consultants and such other personnel as he deems necessary to aid and assist the court in these appellate procedures. Such personnel may be appointed and employed on a part-time or full-time basis without regard to the merit system." The legislature did not, however, provide any funds for the court to hire experts.

This rule contains a procedure for the supreme court to appoint an "appellate expert" to assist the court in assimilating and digesting complex scientific and technological information within the adversary process in utility rate-making cases.

Rule 33A is not designed to allow the introduction of new factual or opinion evidence nor is it designed to allow an expert to decide complex cases. Its purpose is to provide the supreme court with the assistance the court desires in its analysis of the record on appeal. The parties to the appeal have full access to all communication between the clerk of the supreme court and the appellate expert at each stage in the use of an appellate expert.

This rule contains numerous provisions to insure the neutrality of the appellate expert and to maintain the adversary nature of the litigation: (1) the parties have an opportunity to inform the supreme court of any relevant bias shown by potential appellate experts; (2) the party(ies) — appellant(s) and party(ies) — appellee(s) each have one strike in the selection of an appellate expert; (3) the appellate expert shall be compensated as directed by the supreme court but at no expense to the parties; (4) the Alabama Canons of Judicial Ethics apply to the appellate expert; (5) instructions and answers to questions concerning procedure are given to the expert in writing by the clerk of the supreme court; (6) all communication between the clerk of the supreme court and the appellate expert is in writing and available to the parties; and (7) the parties have an opportunity to file briefs and objections concerning the inquiries submitted by the clerk to the supreme court and written responses from the appellate expert.

There are no restrictions on the length of the appellate expert's written responses or of the parties' briefs. It is anticipated that the relatively short time period allowed for the preparation of these docu-

ments will encourage succinctness and brevity.

The Clerk of the Alabama Supreme Court will prepare a standard form to obtain biographical data concerning potential appellate experts. The form will contain requests for a minimum of the following information: complete educational, professional, consulting and employment history; identification of any testimony given by the expert concerning utility rates or rate-making and a brief summary of the substance of that testimony; identification and substance of activity as a master, arbitrator, or mediator; a list of all publications; a list of all speeches delivered with summaries of content in speeches relating to utility rates or rate-making; and a list of three references.

IT IS FURTHER ORDERED that this order shall become effective March 6, 1981.

All the Justices concur.

I, J.O. Sentell, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 6 day of March, 1981.

J. O. SENTELL
Clerk, Supreme Court of Alabama

April 8, 1981

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
OCTOBER TERM, 1980-81

ORDER

WHEREAS, further consideration has been given by the Court to the provisions of Subsection D of Rule 2 of the Alabama Rules of Judicial Administration, and

WHEREAS, it is deemed advisable by the Court to suspend the provisions of Subsection D of Rule 2 of Alabama Rules of Judicial Administration.

IT IS, THEREFORE, ORDERED that Subsection D of Rule 2 of the Alabama Rules of Judicial Administration be suspended, effective April 6, 1981, until further orders of the Court.

Torbert, C. J., and Maddox, Faulkner, Jones, Almon, Shores, Embry, and Adams, JJ., concur.

Beatty, J., not sitting.

I, J.O. Sentell, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 8 day, of April, 1981.

J. O. SENTELL
Clerk, Supreme Court of Alabama

March 5, 1981

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
OCTOBER TERM 1980-81

ORDER

WHEREAS, there was referred to the Standing Committee on Appellate Procedure the matter of whether oral argument should not be granted as a matter of right on the demand of the parties to the appeal; and

WHEREAS, the Standing Committee on Appellate Procedure has recommended that Rule 34(a) of the Alabama Rules of Appellate Procedure be amended; and

WHEREAS, the Supreme Court deems that it is proper to amend Rule 34(a) as recommended by the Standing Committee on Appellate Procedure,

IT IS, THEREFORE, ORDERED that Rule 34(a) be amended to read as follows:

(a) IN GENERAL: Oral argument shall be allowed in all cases unless it be determined by the court to which the appeal is taken from examination of the briefs and record that oral argument is unnecessary.

Oral argument will be allowed unless the Court, or the panel to which the case is assigned, unanimously agrees that:

- (1) the appeal is frivolous; or
- (2) the dispositive issue or set of issues has been recently authoritatively decided; or
- (3) the facts and legal arguments are adequately presented in the briefs and record and the decisional process would not be signifi-

cantly aided by oral argument.

Any party to an appeal who desires oral argument shall so request on the last page of his brief and shall place the words "ORAL ARGUMENT REQUESTED" conspicuously on the front cover of that brief. Any party so requesting oral argument shall file a statement with his brief setting forth reasons why, in the opinion of that party, oral argument should be heard.

This amendment shall be effective in all cases that shall be submitted for decision in an appellate court subsequent to October 2, 1981.

All Justices concur.

I, J.O. Sentell, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 22 day of April, 1981.

J. O. SENTELL
Clerk, Supreme Court of Alabama

May 4, 1981

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
OCTOBER TERM, 1980-81

ORDER

WHEREAS, this Court on March 20, 1981, approved Rules for Mandatory Continuing Legal Education in Alabama, and the Board of Commissioners of the Alabama State Bar has recommended to the Court that Rule 3 and Rule 18, Alabama Rules of Disciplinary Enforcement, be amended to provide sanctions for noncompliance with the Rules for Mandatory Continuing Legal Education, and

WHEREAS, on recommendation of the Board of Commissioners of the Alabama State Bar it is deemed advisable to add Section (g) to Rule 3 and to amend Rule 18(e), Rules of Disciplinary Enforcement,

IT IS ORDERED as follows:

1. Subsection (g) is added to Rule 3, Rules of Disciplinary Enforcement to read as follows:

(g) Suspension for noncompliance with the Rules for Manda-

tory Continuing Legal Education. As soon as practicable after January 1 of each year, commencing, January 1, 1983, the Chairman of the Commission on Continuing Legal Education shall furnish to the Secretary of the Alabama State Bar (1) a list of those attorneys who have filed an annual report for the calendar year ending December 31, as required by Rule 5, Rules for Mandatory Continuing Legal Education, indicating that the attorneys have complied with the requirement of Rule 3, Rules for Mandatory Continuing Legal Education for that calendar year, and (2) a list of attorneys who have filed an annual report on or before December 31 indicating that they have not complied with the requirement. The Secretary shall thereupon compile a list of the names of all attorneys who have failed to file the required annual report or who have filed the annual report indicating that they have not complied with the requirement of rule 3, Rules for Mandatory Continuing Legal Education. The Chairman of the Disciplinary Commission shall then serve by certified mail each attorney, whose name appears upon the list, compiled by the Secretary, of attorneys who have not complied with Rules 3 and 5, Rules of Mandatory Continuing Legal Education, with an order to show cause, within sixty (60) days why the attorney's license should not be suspended at the expiration of the sixty (60) days, by furnishing the Disciplinary Commission with an affidavit.

(a) indicating that the attorney has complied with the requirement prior to the expiration of the sixty (60) days or (b) setting forth a valid excuse for failure to comply with the requirement because of illness or other good cause. At the expiration of sixty (60) days from the date of the order to show cause, the Disciplinary Commission shall enter an order suspending the law license of each attorney who fails to file an affidavit satisfactory to the Disciplinary Commission as described in (a) and (b) above. At any time within three months after the order of suspension, an attorney may file with the Disciplinary Commission an affidavit indicating compliance with Rule 3, Rules for Mandatory continuing Legal Education; and, if satisfactory to the Disciplinary Commission, the Disciplinary Commission shall forthwith enter an order reinstating the attorney. If an attorney has been suspended by the Disciplinary Commission for more than three months, he shall be required to file with the Disciplinary Board an affidavit indicating compliance with Rule 3, Rules for Mandatory Continuing Legal Education, together with a petition for reinstatement as provided in Rule 19, Alabama Rules of Disciplinary Enforcement. An attorney may appeal to the Disciplinary Board from an order of suspension or an order denying reinstatement entered by the Disciplinary Commission.

2. Rule 18(e) is amended to read, as follows:

(e) Publication of notice of suspension or disbarment. The Disciplinary Board shall cause a notice of the suspension or disbarment to be published in the official Bar publication and in a newspaper of general circulation in each judicial circuit of the State of Alabama in which the disciplined attorney maintained an office for the practice of law. Notice of a suspension under Rule 3(g) for noncompliance with the Rules for Mandatory Continuing Legal Education shall not be published.

I, J.O. Sentell, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 5 day of May, 1981.

J. O. SENTELL

Clerk, Supreme Court of Alabama

May 4, 1981

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
OCTOBER TERM 1980-81

ORDER

WHEREAS, proposed amendments to Rules 2, 26(b) and 39(b) of the Alabama Rules of Appellate Procedure were referred to the Standing Committee on Appellate Procedure; and

WHEREAS, the Standing Committee on Appellate Procedure has recommended that said amendments be adopted; and

WHEREAS, the Supreme Court deems that it is proper to amend Rules 2, 26(b) and 39(b) of the Alabama Rules of Appellate Procedure as recommended by the Standing Committee on Appellate Procedure,

IT IS, THEREFORE, ORDERED as follows:

(a) That Rule 39(b), Alabama Rules of Appellate Procedure, be amended so that the same shall read as follows:

(b) Time. The petition for certiorari, with an accompanying brief, shall be filed with the clerk of the supreme court pursuant to Rule 25(a), within 14 days (2 weeks) after the decision of the court of appeals on the application for rehearing; provided, however, that the petition for certiorari to this court in a criminal case in which the death penalty was imposed as punishment shall be deemed to be timely when it is filed.

(b) That Rule 2(b), Alabama Rules of Appellate Procedure, be amended to read as follows:

(b) Suspension of Rules. In the interest of expediting decision, or for other good cause shown, an appellate court may suspend the requirements or provisions of any of these rules in a particular case on application of a party or on its own motion and may order proceedings in accordance with its direction; provided, however, an appellate court may not extend the time for taking an appeal, as provided in Rule 4(a)(1); and the supreme court may not extend the time for filing a petition for certiorari to the courts of appeals as provided in Rule 39(b).

(c) That Rule 2, Alabama Rules of Appellate Procedure, be further amended by adding the following subdivision (c):

(c) Dismissal of Petition for Certiorari. A petition for certiorari to the courts of appeals shall be dismissed if the petition for certiorari was not timely filed to invoke the jurisdiction of the supreme court.

(d) That Rule 26(b), Alabama Rules of Appellate Procedure, be amended to read as follows:

(b) Enlargement of Time. The court for good cause shown may, upon motion, enlarge the time prescribed by these rules or by its order for doing any act, or may permit an act to be done after the expiration of such time; but the court may not enlarge the time for filing a notice of appeal, or a petition for permission to appeal; and the supreme court may not enlarge the time for filing a petition for certiorari to the courts of appeals.

These amendments shall become effective on May 18, 1981.

Torbert, CJ., Maddox, Faulkner, Jones, Shores, Embry, Beatty and Adams, JJ., concur;

Almon, J., dissents.

I, J.O. Sentell, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 7 day of May, 1981.

J. O. SENTELL
Clerk, Supreme Court of Alabama

May 4, 1981

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT

IN THE SUPREME COURT OF ALABAMA
OCTOBER TERM 1980-81

ORDER

WHEREAS, it has been suggested to the Court that Rule 10(b)(2) of the Alabama Rules of Appellate Procedure be amended, and said proposed amendment having been duly submitted to the Court. Upon consideration thereof,

IT IS ORDERED that the second paragraph of Rule 10(b)(2), Alabama Rules of Appellate Procedure, be amended to read as follows:

The reporter's transcript shall be on legal-size paper, with pages numbered consecutively, the numbers being centered at the bottom of the pages, and beginning with the Number "R-1." Each page number shall carry the prefix "R" to distinguish the reporter's transcript from the clerk's record.

This amendment shall become effective immediately.

All Justices concur.

I, J.O. Sentell, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 7 day of May, 1981.

J.O. SENTELL

Clerk, Supreme Court of Alabama

May 4, 1981

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
OCTOBER TERM 1980-81

ORDER

WHEREAS, the Board of Commissioners of the Alabama State Bar has submitted to the Court a proposed amendment to Rule 8(d) of the Rules of Disciplinary Enforcement and a resolution for the revocation of Rule 16(g) of the Rules of Disciplinary Enforcement, and the same having been considered by the Court and it being the Court's opinion that the same should be adopted,

IT IS, THEREFORE, ORDERED that Rule 8(d) of the Rules

of Disciplinary Enforcement be amended so that the same shall read as follows:

(d) Review by Supreme Court of Alabama.

An appeal to the Supreme Court of Alabama shall be perfected by filing a notice of appeal with the Clerk of the Supreme Court within 42 days after the decision of the Disciplinary Board.

The record on appeal shall include (1) all pleadings (with the exception of those items listed in Rule 10(a), Alabama Rules of Appellate Procedure, unless the inclusion of certain such items is specifically requested by the appellant or by the General Counsel), (2) a transcript of the testimony, and (3) the decision of the Disciplinary Board.

Within 7 days after filing notice of appeal, the appellant shall order from the court reporter a transcript of the testimony and, at the time of ordering, make satisfactory arrangements with the reporter for payment of the cost of the transcript.

Within 7 days after receipt of the transcript of the testimony by the Secretary of the Alabama State Bar, the appellant shall make satisfactory arrangements with the Secretary for the payment of the costs of photocopying a sufficient number of copies of the record on appeal in order to furnish one copy to the Supreme Court of Alabama, the General Counsel, and the appellant, if the appellant desires to order a copy.

The General Counsel shall thereupon forthwith complete the preparation of the record on appeal and forward the same to the Clerk of the Supreme Court of Alabama.

IT IS FURTHER ORDERED that Rule 16(g) of the Rules of Disciplinary Enforcement be, and it is hereby, revoked.

The above amendment and revocation shall become effective immediately.

All Justices concur.

I, J.O. Sentell, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 7 day of May, 1981.

J. O. SENTELL
Clerk, Supreme Court of Alabama

June 3, 1981

**THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
OCTOBER TERM 1980-81**

ORDER

WHEREAS, Rule 2, Alabama Rules of Judicial Administration, was amended on December 2, 1980, January 5, 1981, and April 8, 1981; and

WHEREAS, it has been recommended to the Court that said Rule 2 be further amended,

IT IS, THEREFORE, ORDERED by the Supreme Court of Alabama that Rule 2, Alabama Rules of Judicial Administration, be amended to read as follows, said amendment to become effective June 3, 1981.

RULE 2

BAIL

(A) Personal Recognizance. — The district court may, in its discretion, release a defendant charged with a misdemeanor on his personal recognizance.

(B) Discretionary Bond Schedule. — The following schedule is established as a general guide for courts in setting bond for persons who have not been released from custody. Courts should exercise discretion in increasing or decreasing bonds above or below the discretionary scheduled amounts.

**Discretionary Bond Schedule
Recommended Range**

Felonies:

Capital felony	\$2,000 to \$20,000 to No Bond
Murder	1,000 to 20,000
Class A felony	1,000 to 10,000
Class B felony	750 to 7,500
Class C felony	500 to 5,000
Escape	1,000 to 20,000
Bail jumping, 1st degree	1,000 to 20,000
Habitual offender	1,000 to 20,000

Misdemeanors:

Class A misdemeanor	300 to 1,000
Class B misdemeanor	100 to 300
Class C misdemeanor	50 to 100
Bail jumping, 2nd degree	500 to 10,000
Unclassified Misdemeanors	300 to 500
Violation	50 to 100

Drug Offenses:

Possession of marijuana (misdemeanor)	300 to	1,000
Possession of marijuana for sale (felony)	1,000 to	5,000
Possession of heroin	1,000 to	5,000
Possession of heroin for sale	1,000 to	10,000
Possession of cocaine	1,000 to	5,000
Sale of cocaine	1,000 to	10,000
Possession of LSD	1,000 to	5,000
Sales of LSD	1,000 to	10,000
Possession of amphetamines	500 to	5,000
Sale of amphetamines	1,000 to	10,000
Possession of barbiturates	500 to	5,000
Sale of barbiturates	1,000 to	10,000
Illegal possession of prescription drugs	500 to	5,000
Illegal sale of prescription drugs	1,000 to	10,000

Traffic Violations:

Driving while intoxicated	100 to	500 (out of county)
Reckless driving	100 to	300
Speeding	50 to	100
Other traffic violations	50 to	100

FACTORS TO BE CONSIDERED WHEN SETTING BOND

1. The age, background and family circumstances of the defendant.
2. Evidence of prior convictions.
3. Violence or lack of violence in the alleged commission of the offense.
4. The type of weapon used, i.e., pistol, shotgun, sawed-off shotgun.
5. Threats made against victims and/or witnesses.
6. The value of property taken during the alleged commission of the offense.
7. Whether the property allegedly taken was recovered or not; damage or lack of damage to property allegedly taken.
8. Residence of the defendant, including consideration of real property ownership.
9. In cases where defendant is charged with a drug offense, evidence of selling or pusher activity should indicate a substantial increase in the amount of bond.

10. Consideration of location of defendant's employment, e.g., whether employed in the county where the alleged offense occurred.

COMMENT: The discretionary bond schedule should be regarded as only a guide for the exercise of judicial discretion.

All Justices concur, except Shores and Adams, JJ., not sitting.

I, J.O. Sentell, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.

Witness my hand this 5 day of June, 1981.

J. O. SENTELL

Clerk, Supreme Court of Alabama

OFFICIALS OF THE STATE OF ALABAMA – 1981

Address all State Officials, Montgomery, Alabama 36130,
unless otherwise noted

FOB JAMES, Governor

<i>Lieutenant Governor</i>	832-3492
George McMillan	
<i>Attorney General</i>	834-5150
Charles A. Graddick	
<i>State Auditor</i>	832-3576
Bettye Frink	
<i>Secretary of State</i>	832-3570
Don Siegelman	
<i>State Treasurer</i>	832-3590
Annie Laurie Gunter	
<i>Superintendent of Education</i>	832-3316
Dr. Wayne Teague	
<i>Commissioner of Agriculture and Industries</i>	832-6693
McMillan Lane	
<i>State Board of Education</i>	832-3316
1st District	John M. Tyson, Jr.
2nd District	Ron Creel
3rd District	Mrs. S. A. Cherry

OFFICIALS OF THE STATE OF ALABAMA – Continued

<i>4th District</i>	Ralph D. Higginbotham	
<i>5th District</i>	Victor P. Poole	
<i>6th District</i>	Harold C. Martin	
<i>7th District</i>	James Allen, Jr.	
<i>8th District</i>	Roscoe Roberts, Jr.	
<i>Adjustment, State Board of</i>		
Don Siegelman	Secretary of State	
Bettye Frink	State Auditor	
Annie Laurie Gunter	State Treasurer	
Sid McDonald	Director of Finance	
<i>Adjutant General</i>		272-6450
Major-Gen. Henry H. Cobb, Jr.		
<i>Aging, Commission on</i>		832-6640
Kay Kelley	Executive Director	
<i>Agriculture and Industries, State Dept. of</i>		832-6693
McMillan Lane	Commissioner	
W. Comer Sims	Assistant Commissioner	
Charles H. Barnes	General Counsel	
Effie Rushton	Chief Accountant	
Don E. Stagg	Chief Div., Gins and Warehouses, and Weights and Measures	
Robert G. Dekle	Dir. Petroleum Commodities	
Dr. John A. Bloch	Director - Div. of Plant Plant Industry and Agricultural Chemistry	
Pyron Keener	Chief Director Poultry Section	
Gurnia Moore	Chief Seed Analyst	
James Burnett	Chief Shipping Point Inspection	
Dr. J. Lee Alley	Director, Animal Industry Division	
Dr. J. Lee Alley	State Veterinarian	
T. O. Smith	General Services Div.	
Lamar Harden	Chief Livestock Market News Div.	
Dennis Findley	Chief Statistical Div.	
W. F. Hines	Assistant - Agricultural Chemistry Lab, Montgomery	
John Dewey Jinks	Dir. Chemical Lab, Auburn	
Patrick Morgan	Dir. Pesticide Lab, Auburn	
Felix Welsh	Marketing Division	
<i>Agricultural Center Board</i>		832-6631
Leroy Jones	Managing Director	
L. T. Farris	Coliseum Manager	
<i>Aeronautics, Alabama Department of</i>		832-6290
James Rowe	Director	

OFFICIALS OF THE STATE OF ALABAMA – Continued

<i>Alabama Development Office</i>	832-6980
Reuben C. Finnerly	<i>Director</i>
<i>Alcoholic Beverage Control Board, Alabama</i>	832-6186
John M. Harbert III	<i>Chairman, Birmingham</i>
<i>Board Members:</i>	
John Blue III	<i>Huntsville</i>
Frieda Coggin	<i>Gulf Shores</i>
Jim DeBardelaben	<i>Legal Counsel for Board</i>
<i>Alabama Law Enforcement Planning Agency</i>	832-6830
Robert G. "Bo" Davis	<i>Director</i>
<i>Architects, State Board for Registration of</i>	832-3684
115 So. Court St.	
Jim H. Seay	<i>Secretary</i>
<i>Archives and History, Department of</i>	832-6510
Milo B. Howard, Jr.	<i>Director</i>
<i>Arts and Humanities, Council on the</i>	832-6758
M. J. Zakrzewski	<i>Director</i>
<i>Athletic Assn., Alabama</i>	832-3330
Herman L. (Bubba) Scott	<i>Executive Director</i>
<i>Auctioneers, Board of</i>	739-0548
209 Downtown Plaza, Cullman, Al. 35055	
Mrs. Patricia Reed	<i>Executive Secretary</i>
<i>Bar Association, Alabama State</i>	269-1515
Reginald T. Hamner	<i>Executive Director</i>
415 Dexter Ave., Montgomery, Al.	
<i>Banking, State Department of</i>	832-6255
Kenneth R. McCartha	<i>Superintendent of Banks</i>
Frank J. Arrington	<i>Asst. Supt. of Banks</i>
<i>Budget Officer</i>	832-3605
James Raiford	
<i>Building Commission, State</i>	832-3404
Phillip Fretwell	<i>Director</i>
<i>Buildings, State</i>	832-3445
Administrative Building	H. A. Brooks, <i>Custodian</i>
Archives and History Building	Edward Ross, <i>Custodian</i>
Capitol Building	Norman V. Anderson, <i>Custodian</i>
Highway Building	James P. Howard, <i>Custodian</i>
Industrial Relations Building	E. J. Kelley, <i>Custodian</i>
Judicial Building	Ellis Moore, <i>Custodian</i>

OFFICIALS OF THE STATE OF ALABAMA — Continued

Public Safety Building	John F. Fricks, <i>Custodian</i>
State Office Building	V. M. Sellers, <i>Custodian</i>
<i>Chiropractic Examiners, State Board of</i>	947-5838
Douglas K. Cooper	<i>Executive Secretary</i>
P. O. Box 3607, Robertsedale, Al. 36567	
<i>Civil Defense Agency</i>	832-5700
Sam B. Sloan	<i>Director</i>
<i>Coliseum, State</i>	832-6631
Leroy Jones	<i>Superintendent</i>
L. T. Farris	<i>Coliseum Manager</i>
<i>Comptroller, State</i>	832-3561
Tom Brassell	
<i>Conservation and Natural Resources, Dept. of</i>	832-6361
John M. McMillan, Jr.	<i>Commissioner</i>
Gary J. Beers	<i>Executive Assistant Commissioner</i>
Charles D. Kelley	<i>Director, Div. of Game and Fish</i>
Edward H. Reynolds	<i>Director, Div. of State Lands</i>
William B. Garner	<i>Director, Div. of Marine Police</i>
Hugh Swingle	<i>Director, Div. of Marine Resources</i>
Jim Pugh	<i>Plans and Programs</i>
Gary J. Beers	<i>Acting Director, Parks Div.</i>
Curtis Parrish	<i>Auditor</i>
<i>Consumer Protection, Department of</i>	832-5936
Fincher Allen	<i>Director</i>
<i>Contractors, State Licensing Board of General</i>	832-6204
Mrs. Sarah Crumpton	<i>Executive Secretary</i>
<i>Corrections, Board of</i>	832-6800
Robert Britton	<i>Commissioner</i>
<i>Cosmetology, State Board of</i>	832-5074
Mrs. Billie K. Jehle	<i>Executive Secretary</i>
<i>Court Management</i>	834-7990
Allen Tapley	<i>Administrative Director of Courts</i>
<i>Dairy Commission</i>	832-3775
Terrell E. Ellis	<i>Dairy Commission Executive Secretary</i>
<i>Dental Examiners, Board of</i>	533-4638
Dr. William Richard Hale	<i>Secretary-Treasurer</i>
2308 B Starmount Circle, Huntsville, Al. 35801	
<i>Docks Department, State</i>	690-6112
Robert M. Hope	<i>Director</i>
P. O. Box 1588, Mobile, Al. 36633	

OFFICIALS OF THE STATE OF ALABAMA – Continued

<i>Education, State Department of</i>	832-3316
Dr. Wayne Teague	<i>Superintendent of Education</i>
.....	<i>Deputy State Superintendent</i>
Dr. Erskine S. Murray	<i>Assistant Superintendent</i>
Dr. C. C. Baker	<i>Assistant Superintendent</i>
Jimmy H. Baker	<i>Assistant Supt. of Admn. and</i>
.....	<i>Financial Services</i>
Dr. W. C. Berryman	<i>Director of Instruction</i>
Dr. T. Robert Carter	<i>Director, Voc. Education</i>
Bill Cowen	<i>Director, Rehabilitation and</i>
.....	<i>Crippled Children</i>
A. Lane Brislin	<i>Business Manager</i>
N. J. Kitchens	<i>State Agency for Federal</i>
.....	<i>Property Assistance</i>
P. O. Box 1100, Gadsden, Al. 35902	
Dr. Richard McBride	<i>Legislative Relations</i>
Dr. John A. Shelton	<i>Director, Division of Disability</i>
.....	<i>Determination Services</i>
Dr. Eldon D. Johnson	<i>Director, Research Planning</i>
.....	<i>and Information</i>
Charles S. Coody	<i>Director, Division of Legal Services</i>
<i>Employees' Retirement System of Alabama</i>	832-4140
David G. Bronner	<i>Secretary-Treasurer</i>
<i>Energy, Alabama Department of</i>	832-5010
Jack E. Ravan	<i>Director</i>
<i>Engineers and Land Surveyors, State Board of</i>	
<i>Registration for Professional</i>	832-6100
Sarah E. Hines	<i>Executive Secretary</i>
<i>Entomologists, Horticulturists, Floriculturists and</i>	
<i>Tree Surgeons, Board to Examine</i>	832-3753
McMillan Lane	<i>Chairman</i>
<i>Ethics Commission</i>	832-5871
Melvin G. Cooper	<i>Director</i>
<i>Examiners of Public Accounts, Dept., of</i>	832-6625
W. W. Dillard, Jr.	<i>Chief Examiner</i>
<i>Executive Department, Governor's Office</i>	832-3511
Fob James	<i>Governor</i>
Bobby Davis	<i>State Administrative Officer</i>
William J. Samford, Jr.	<i>Legal Advisor</i>
Chris Bence	<i>Press Secretary</i>
Francee Moore	<i>Recording Secretary</i>

OFFICIALS OF THE STATE OF ALABAMA – Continued

<i>Farmers' Market Authority</i>	832-3734
William M. Arrington	<i>Administrator</i>
<i>Finance Department</i>	832-3601
Sid McDonald	<i>Director</i>
Charles Rowe	<i>Assistant Director</i>
Howard L. White, Jr.	<i>Purchasing Agent</i>
.....	<i>State Comptroller</i>
James Raiford	<i>Budget Officer</i>
Jerry Weidler	<i>Legal Counsel</i>
Don Drablos	<i>Chief, Division of Service</i>
Thomas David Weston	<i>Manager, Insurance Fund</i>
James H. Rowell	<i>Data Systems Management Division</i>
Mickey McGee	<i>Personnel Officer</i>
Lee Cate	<i>Printing and Publication Division</i>
<i>Fire Marshall State</i>	832-5844
Roy L. Thornell	
<i>Forensic Sciences, Dept. of</i>	887-7001
Carlos L. Rabren	<i>Director</i>
P. O. Box 231, Auburn, Al. 36830	
<i>Forestry Commission, Alabama</i>	832-6587
Cecil W. Moody	<i>State Forester</i>
<i>Foresters, State Board of Registration For</i>	832-6588
Robert M. Nonnemacher	<i>Secretary</i>
Pamela B. Sears	<i>Office Manager</i>
<i>Funeral Services, Board of</i>	832-6974
Wayne Thorn	<i>Executive Secretary</i>
<i>Geological Survey of Alabama</i>	349-2852
Thomas J. Joiner	<i>State Geologist</i>
P. O. Drawer O, University of Alabama 35486	
<i>Health, Department of Public</i>	832-3120
Dr. Ira L. Myers	<i>State Health Officer</i>
Ron Goertz	<i>Personnel and Training Officer</i>
Robert Finley	<i>Legislative Affairs</i>
James Pons	<i>Legal Officer</i>
Cecil McCall	<i>Internal Auditor</i>
James Warr	<i>Water Improvement Commission</i>
James Cooper	<i>Air Pollution Control Commission</i>
Joyce Gendzwill, M.D.	<i>Area Health Services</i>
Robert Goldenberg, M.D.	<i>Bureau of Maternal</i>
.....	<i>and Child Health/Family Planning</i>
Anne M. Smith, R.N.	<i>Bureau of Public Health Nursing</i>
Dr. PH James Holston	<i>Clinical Laboratory Administration</i>

OFFICIALS OF THE STATE OF ALABAMA – Continued

Forest E. Ludden	<i>Ed., D., Special Services Administration</i>	
H. E. Harrison.....	<i>Bureau of Area Health Services</i>	
Tigner S. Zorn.....	<i>Director, Bureau of Licensure and Certification</i>	
Arthur Joe Grant	<i>Plans and Construction, Bureau of Licensure and Certification</i>	
William T. Willis	<i>Environmental Health Administration</i>	
Naseeb L. Shory, D.D.S.	<i>Bureau of Dental Health</i>	
James Richard	<i>Director, Bureau of Nutrition</i>	
Grover Dick.....	<i>Bureau of Preventive Health Services</i>	
Dr. Thomas Chester	<i>Chief Epidemiologist, Bureau of Epidemiology and Medical Consultation</i>	
<i>State Health Planning and Development Agency</i>		832-5994
Alan Koch	<i>Executive Director</i>	
<i>Highway Department, State</i>		832-5440
B. J. Kemp.....	<i>Director</i>	
<i>Highway Patrol (See Public Safety)</i>		
<i>Highway Traffic Safety</i>		832-5973
James F. Quinn.....	<i>Coordinator</i>	
<i>Historical Commission, Alabama</i>		832-6621
F. Lawrence Oaks.....		
<i>Industrial Relations, Department of</i>		832-3626
William J. Davis	<i>Director</i>	
James Hollon	<i>Director, Unemployment Compensation Division</i>	
Jerry Scharf	<i>Chief of Safety and Inspection Division</i>	
Clifford DePriest	<i>Assistant Employment Service Director</i>	
James Cogdell	<i>Deputy State Programs Administrator</i>	
Robert E. Weller	<i>State Programs Administrator</i>	
Douglas Dyer	<i>Chief, Research and Statistics</i>	
Otto P. Hammonds	<i>Personnel and Training Officer</i>	
Mark Davis	<i>Acting Chief, Workmen's Compensation Division</i>	
Byron Abrams	<i>Physical and Budget Office</i>	
Frank Willett	<i>Chief, Administrative Analysis Division</i>	
George Cocoris	<i>General Counsel</i>	
Grady Simpson	<i>Departmental Investigation and Grievance Office</i>	
Joyce Murphree	<i>Public Information Officer</i>	
George Register	<i>Manager, Employer Relations and Placement Operation</i>	

OFFICIALS OF THE STATE OF ALABAMA – Continued

Decker Terry	<i>Data Center Manager</i>
Erskine Banks	<i>EEO Officer</i>
Dr. Mary Louise Simms	<i>SOICC Director</i>
James M. Carter	<i>Director, Employment Service Division</i>
<i>Insurance, State Department of</i>	832-6140
Tharpe Forrester	<i>Commissioner</i>
Charles Crawford	<i>Chief Examiner</i>
David Parsons	<i>Chief Fire and Casualty Division</i>
<i>Labor, Department of</i>	832-6270
Jerry C. Ray	<i>Commissioner</i>
<i>Legislative Fiscal Office</i>	832-3996
Bill Newton	<i>Director</i>
<i>Legislative Reference Service</i>	832-3496
Louis G. Greene	<i>Director</i>
<i>Licensing Board for the Healing Arts, State</i>	832-5051
George Hardesty, Jr.	<i>Executive Officer</i>
<i>Liquified Petroleum Gas Board, Alabama</i>	832-5861
Leonard Pakruda	<i>Administrator</i>
<i>Medical Examiners, State Board of</i>	832-6890
Dr. Robert Parker	<i>Executive Secretary</i>
<i>Medical Services Administration</i>	277-2710
Rebecca B. Beasley	<i>Commissioner</i>
<i>Medical Technicians Examiners, Board of</i>	897-6340
Harold Moody	<i>Secretary</i>
P. O. Box 597, Elba, Al. 36323	
<i>Mental Health, State Department of</i>	832-4350
Glenn Ireland	<i>Commissioner</i>
Don Scholfield, Griel	<i>Head Director</i>
William Holder	<i>Director, Bryce Hospital</i>
Terry Bartlett	<i>Director, So. Searcy Hospital</i>
Mary Lee Shannon	<i>Director, Division of Mental Illness</i>
Jerry Thrasher	<i>Director, Mental Retardation</i>
<i>Military Department</i>	272-6450
Henry H. Cobb, Jr.	<i>Adjutant General</i>
<i>Nursing, Board of</i>	832-5747
Miss Betty Tomlin	<i>Executive Officer</i>
<i>Optometry, State Board of</i>	687-2545
Dr. Willard Smith	
P. O. Box 286, Eufaula, Al. 36027	

OFFICIALS OF THE STATE OF ALABAMA — Continued

<i>Oil and Gas Board, State</i>	349-2852
Thomas J. Joiner	<i>Supervisor</i>
P. O. Drawer O, University of Alabama	35486
<i>Pardons and Paroles, State Board of</i>	832-3070
David H. Williams	<i>Executive Director</i>
<i>Peace Officers, Standards and Training Commission</i>	832-6760
James Jackson	<i>Executive Secretary</i>
<i>Pensions and Securities, State Dept. of</i>	832-6570
Gary Cooper	<i>Commissioner</i>
Knox Gilmore Jennings	<i>Deputy Commissioner</i>
Don Williams	<i>Office of Economic Assistance</i>
Veron Walton	<i>Services Supervisor</i>
<i>Personnel Department</i>	832-6120
J. S. Frazer	<i>Director</i>
<i>Pharmacy, Alabama Board of</i>	252-8976
J. W. McLane	<i>Secretary</i>
2312 City Federal Bldg.	
Birmingham, Al. 35203	
<i>Physical Fitness, Commission on</i>	832-5686
Daniel Long	<i>Executive Director</i>
<i>Physical Therapy, State Board</i>	832-3444
Robert S. Harden	<i>Chairman</i>
Walter R. Gault	<i>Secretary</i>
John C. Badenbub	<i>Treasurer</i>
Suite 220, 777 So. Lawrence St.	
Montgomery, Al. 36104	
<i>Pilotage Commission, State</i>	438-4771
E. Roberts Leatherbury	<i>Chairman</i>
P. O. Box 2188, Mobile, Al.	36652
<i>Psychology, State Board of Examiners</i>	832-4202
Randolph Reaves	<i>Chairman</i>
P. O. Box 4389, Montgomery, Al.	36101
<i>Public Accountancy, State Board</i>	834-7650
Joseph G. Robertson	<i>Executive Secretary</i>
1103 S. Perry Street, Montgomery, Al.	36104
<i>Public Library Service, Alabama</i>	832-5745
Anthony W. Miele	<i>Director</i>
<i>Public Safety, Department</i>	832-5245
Jerry Shoemaker	<i>Director</i>

OFFICIALS OF THE STATE OF ALABAMA — Continued

J. L. Fuqua	<i>Chief, Patrol Division</i>
H. J. Hammond	<i>Drivers License Div. & Safety Responsibility Unit</i>
G. L. McGriff	<i>Head Administrative Div.</i>
B. R. Milner	<i>Chief, Bureau of Investigation and Identification</i>
<i>Public Service Commission, Alabama</i>	832-5174
Billy Joe Camp	<i>President</i>
Pete Mathews	<i>Associate Commissioner</i>
Jim Folsom, Jr.	<i>Associate Commissioner</i>
Wallace Tidmore	<i>Secretary</i>
<i>Publicity and Information, State Bureau of</i>	832-5510
Mrs. Caroline Cavanaugh	<i>Director</i>
<i>Purchasing Agent, State</i>	832-3580
Howard L. White, Jr.	
<i>Real Estate Commission</i>	832-3266
Mrs. Mary Goodwin	<i>Director</i>
<i>Revenue, Department of</i>	832-5780
Ralph P. Eagerton, Jr.	<i>Commissioner</i>
Sam L. Evans	<i>Assistant Commissioner</i>
Lewis A. Easterly	<i>Secretary and Chief Research Division</i>
Herbert I. Burson	<i>Chief, Legal Division</i>
J. R. Barnes	<i>Chief Sales and Use Tax Division</i>
James M. Bradshaw	<i>Chief, Income Tax Division</i>
Robert B. McCain	<i>Chief, License Tax Division</i>
Robert B. McCain	<i>Supervisor, Title Division</i>
James H. Lewis	<i>Chief, Motor Fuels Division</i>
Harry H. Rawlinson	<i>Chief, Franchise Tax Division</i>
George T. Pinson	<i>Chief, Field Div. and Tobacco Tax Division</i>
C. H. Stough	<i>Chief, Ad Valorem Tax Division</i>
Roland Boone	<i>Chief, Computer Service Division</i>
<i>Securities Commission, State</i>	832-5733
Thomas L. Krebs	<i>Director</i>
<i>Social Security, State Agency</i>	832-5080
J. Ben Swindle	<i>Director</i>
<i>Soil and Water Conservation Committee, State</i>	832-3727
James J. Plaster	<i>Executive Secretary</i>
<i>Teachers' Retirement System of Alabama</i>	832-4140
David G. Bronner	<i>Secretary-Treasurer</i>

OFFICIALS OF THE STATE OF ALABAMA – Continued

<i>Television Commission, Alabama Educational</i>	328-8756
Edward Wegener	<i>General Manager</i>
2101 Magnolia Ave., Birmingham, Al.	35256
<i>Trooper, State (See Public Safety)</i>	
<i>Unemployment Compensation Division (See</i>	
<i>Department of Industrial Relations)</i>	
<i>Veterans Affairs, State Department of</i>	832-3163
Roy C. McGinnis	
<i>Veterinary Medical Examiners, Ala. State Board</i>	353-2435
Dr. Ray Ashwander	<i>Secretary-Treasurer</i>
Decatur, Al.	
<i>Water Improvement Commission</i>	277-3630
Dr. Ira L. Myers	<i>Chairman</i>
<i>White House Association, The</i>	
First White House of the Confederacy	
Mrs. John H. Napier, III	<i>Regent</i>
<i>Women's Commission, Ala.</i>	
Margaret D. Sizemore	
9 Office Park Circle, Room 106	
Birmingham, Al.	35223

SUPREME COURT OF ALABAMA

P. O. Box 218

Montgomery, Alabama 36101

The Honorable C. C. Torbert, Jr.	832-6434
<i>Chief Justice</i>	
The Honorable Alva Hugh Maddox	832-6470
<i>Associate Justice</i>	
The Honorable James H. Faulkner	832-6568
<i>Associate Justice</i>	
The Honorable Richard L. Jones	832-6454
<i>Associate Justice</i>	(Birmingham) 870-2801
The Honorable Reneau P. Almon	832-6428
<i>Associate Justice</i>	
The Honorable Janie L. Shores	832-5093
<i>Associate Justice</i>	(Birmingham) 870-2801
The Honorable T. Eric Embry	832-6440
<i>Associate Justice</i>	(Birmingham) 934-2720

SUPREME COURT OF ALABAMA – Continued

The Honorable Samuel A. Beatty.....	832-6443
<i>Associate Justice</i>	(Tuscaloosa) 348-5925
The Honorable Oscar W. Adams.....	832-6430
<i>Associate Justice</i>	

ADMINISTRATIVE OFFICE OF COURTS

817 South Court Street
Montgomery, Al. 36130

Alan L. Tapley, <i>Administrative Director</i>	834-7990
------------------------------------------------------	----------

ALABAMA COURT OF CRIMINAL APPEALS

P. O. Box 351
Montgomery, Al. 36101

The Honorable John O. Harris	832-3637
<i>Presiding Judge</i>	
The Honorable John C. Tyson, III	832-3589
<i>Judge</i>	
The Honorable John P. DeCarlo.....	832-6451
<i>Judge</i>	
The Honorable John G. Bookout	832-3509
<i>Judge</i>	
The Honorable William M. Bowen, Jr.	832-5199
<i>Judge</i>	

ALABAMA COURT OF CIVIL APPEALS

2600 East South Boulevard
Montgomery, Al. 36116

The Honorable L. Charles Wright	832-6417
<i>Presiding Judge</i>	
The Honorable Robert P. Bradley	832-6421
<i>Judge</i>	
The Honorable Richard L. Holmes.....	832-6424
<i>Judge</i>	

CLERKS OF APPELLATE COURTS

State of Alabama
September, 1980

The Honorable J. O. Sentell.....	832-6480
<i>Clerk of the Supreme Court</i>	
Judicial Building	
Montgomery, Al. 36130	
The Honorable Mollie Jordan	832-6496
<i>Clerk, Court of Criminal Appeals</i>	
Judicial Building	
Montgomery, Al. 36130	

CLERKS OF APPELLATE COURTS – Continued

The Honorable John H. Wilkerson, Jr. 832-3980
Clerk, Court of Civil Appeals
 2600 East South Blvd.
 Montgomery, Al. 36116

MARSHAL AND STATE LAW LIBRARY

State of Alabama
 September, 1980

Mr. William C. Younger 832-6410
Marshal and State Law Librarian
 Judicial Building
 Montgomery, Al. 36130

Mr. Herbert Young 832-5198
Deputy Marshal
 Judicial Building
 Montgomery, Al. 36130

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President R. D. Morrison, Ph.D.
 859-7222

ALABAMA STATE UNIVERSITY

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 Montgomery, Al. 36195
 Telephone 832-6072

President Levi Watkins, LL.D., L.H.D.

AUBURN UNIVERSITY

Auburn, Al. 36849
 Telephone 826-4000

President H. Hanly Funderburk, Ph.D.
 826-4650

AUBURN UNIVERSITY AT MONTGOMERY

Montgomery, Al. 36193
 Telephone 279-9110

Chancellor James O. Williams, Ed. D.
JACKSONVILLE STATE UNIVERSITY

Jacksonville, Al. 36265
 Telephone 435-9820

President Ernest Stone, LL.D., L.H.D.
LIVINGSTON UNIVERSITY
 Livingston, Al. 35470
 Telephone 652-9661

STATE UNIVERSITIES – Continued

- President* Asa N. Green, LL.D.
THE UNIVERSITY OF ALABAMA SYSTEM
Office of the Chancellor
P. O. Box BT
University, Al. 35486
Telephone 348-5121
- Chancellor* Joseph F. Volker, D.D.S., Ph.D.
THE UNIVERSITY OF ALABAMA
P. O. Box B
University, Al. 35486
Telephone 348-6010
- Acting President and Chief Executive Officer* Howard B. Gundy, Ph.D.
348-5100
THE UNIVERSITY OF ALABAMA IN BIRMINGHAM
University Station
Birmingham, Al. 35294
Telephone 934-4011
- President* S. Richardson Hill, Jr., M.D.
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 1981**

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94—Baldwin

Walter E. Penry, Jr. Rt. 2, Box 286, Daphne 36526

95—Baldwin, Mobile

Stephen A. McMillan P. O. Box 337, Bay Minette 36507

96—Washington, Mobile

J.E. Turner P.O. Box 901, Citronelle 36522

97—Mobile

V. M. Parker 504 Woodlore Dr., Chickasaw 36611

98—Mobile

William Clark P. O. Box 10434, Prichard 36610

99—Mobile

James E. Buskey 2207 Barretts Lane, Mobile 36617

100—Mobile

J. Thomas (Tommy) Sandusky P.O. Box 9338, Mobile 36691

101—Mobile

Ann Bedsole 25 Edgefield Rd., Mobile 36608

102—Mobile

Mary S. Zoghby 2862 Hilburn Dr., Mobile 36606

103—Mobile

Yvonne Kennedy 1205 Glennon Ave., Mobile 36603

104—Mobile

George Stewart 4413 S. Shan Dr., Mobile 36609

105—Mobile

Taylor F. Harper P.O. Box 208, Grand Bay 36541

LEGAL & CONTRACT INTEREST RATES, BY STATES,
JUNE 6, 1978

	Legal Rates 1977	Contract Rates 1977
Alabama.....	6%	8%
Alaska.....	8	13
Arizona.....	6	10
Arkansas.....	6	10
California.....	7	10
Colorado.....	8	
Connecticut.....	6	12
Delaware.....	6	12
District of Columbia.....	6	8
Florida.....	6	10
Georgia.....	7	9
Hawaii.....	6	12
Idaho.....	8	10
Illinois.....	5	8
Indiana.....	8	
Iowa.....	5	9
Kansas.....	6	10
Kentucky.....	6	8½
Louisiana.....	7	8
Maine.....	6	No Limit
Maryland.....	6	8
Massachusetts.....	6	No Limit
Michigan.....	5	7
Minnesota.....	6	8
Mississippi.....	6	10
Missouri.....	6	10
Montana.....	6	10
Nebraska.....	6	11
Nevada.....	7	12
New Hampshire.....	6	No Limit
New Jersey.....	8	See Legal
New Mexico.....	6	10
New York.....	5-8½	See Legal
North Carolina.....	6	8
North Dakota.....	6	9½
Ohio.....	6	8
Oklahoma.....	6	
Oregon.....	6	10
Pennsylvania.....	6	6
Puerto Rico.....	6	9
Rhode Island.....	6	21
South Carolina.....	6	8
South Dakota.....	6	10
Tennessee.....	6	10
Texas.....	6	10
Utah.....	6	
Vermont.....	8½	8½

LEGAL & CONTRACT INTEREST RATES, BY STATES,
JUNE 6, 1978—Continued

	Legal Rates 1977	Contract Rates 1977
Virginia	6	8
Washington.....	6	12
West Virginia.....	6	8
Wisconsin	5	12
Wyoming.....	7	
(1) 15% for corporations		
(2) 12% if loans unsecured		
(3) 15% for corporations		
(4) 15% for Corporations, where excess of \$2,500		

This table summarizes only the broad, general provisions of state laws setting maximum legal and contract rates of interest, and it does not summarize rates fixed for special types of loans, such as installment loans and loans under the small loan laws.

The parties to a transaction may agree on a specific rate of interest. The maximum rates that may be agreed upon is usually fixed by law. This is the "contract rate."

If a specific rate is not agreed upon, then the maximum rate that may be taken is the "legal rate," fixed by law in all states.

Interest in excess of the rate permitted by law is usurious. All states provide penalties for taking such interest.

Many state statutes provide that the defense of usury is not available to a corporation.

For a more detailed explanation of legal and contract rates of interest and of state and federal usury laws, see **Patron's Digest of Legal Opinions, Interest and Usury**, particularly sections 2:1, 2:2, 21 and 22.

Source: Data prepared by Legal Department, American Bankers Association.

Annuity Table showing the current present cash value of an annuity of one hundred dollars per month, month by month from two to four hundred eighty months at 2%, 2½%, 3%, 3½%, 4%, 4½%, 5%, 5½%, and 6%. As provided in Act No. 456, Approved August 31, 1953.

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
1	99.83	99.79	99.75	99.70	99.66	99.62	99.58	99.54	99.50
2	199.50	199.37	199.25	199.12	199.00	198.88	198.75	198.63	198.50
3	299.00	298.75	298.50	298.25	298.01	297.76	297.51	297.27	297.02
4	398.33	397.92	397.51	397.10	396.68	396.27	395.86	395.45	395.04
5	497.50	496.89	496.27	495.65	495.03	494.42	493.81	493.19	492.58
6	596.15	595.64	594.78	593.92	593.06	592.20	591.34	590.49	589.63
7	695.35	694.20	693.05	691.90	690.75	689.61	688.47	687.34	686.20
8	794.03	792.55	791.07	789.60	788.13	786.66	785.20	783.74	782.29
9	892.54	890.69	888.85	887.01	885.18	883.35	881.53	879.71	877.90
10	990.89	988.63	986.38	984.14	981.90	979.68	977.46	975.24	973.04
11	1,089.07	1,086.37	1,083.67	1,080.99	1,078.31	1,075.64	1,072.98	1,070.34	1,067.70
12	1,187.10	1,183.90	1,180.72	1,177.55	1,174.39	1,171.25	1,168.12	1,165.00	1,161.89
13	1,284.95	1,281.23	1,277.53	1,273.84	1,270.16	1,266.50	1,262.86	1,259.23	1,255.61
14	1,382.65	1,378.36	1,374.09	1,369.84	1,365.61	1,361.40	1,357.20	1,353.02	1,348.87
15	1,480.18	1,475.29	1,470.42	1,465.57	1,460.74	1,455.94	1,451.15	1,446.39	1,441.66
16	1,577.55	1,572.01	1,566.50	1,561.01	1,555.55	1,550.12	1,544.72	1,539.34	1,533.99
17	1,674.76	1,668.54	1,662.34	1,656.18	1,650.05	1,643.96	1,637.89	1,631.86	1,625.86
18	1,771.18	1,764.86	1,757.95	1,751.08	1,744.24	1,737.44	1,730.68	1,723.96	1,717.27
19	1,868.69	1,860.98	1,853.32	1,845.69	1,838.11	1,830.58	1,823.09	1,815.64	1,808.23
20	1,965.42	1,956.91	1,948.44	1,940.03	1,931.67	1,923.36	1,915.11	1,906.90	1,898.74
21	2,061.98	2,052.63	2,043.34	2,034.10	2,024.92	2,015.81	2,006.74	1,997.74	1,988.79
22	2,158.38	2,148.15	2,137.99	2,127.89	2,117.86	2,107.90	2,098.00	2,088.17	2,078.40
23	2,254.63	2,243.48	2,232.41	2,221.42	2,210.50	2,199.65	2,188.88	2,178.19	2,167.56
24	2,350.71	2,338.61	2,326.59	2,314.66	2,302.82	2,291.06	2,279.38	2,267.79	2,256.28
25	2,446.63	2,433.54	2,420.54	2,407.64	2,394.84	2,382.13	2,369.51	2,356.99	2,344.56
26	2,542.39	2,528.27	2,514.26	2,500.35	2,486.55	2,472.85	2,459.26	2,445.78	2,432.40
27	2,638.00	2,622.81	2,607.74	2,592.79	2,577.96	2,563.24	2,548.65	2,534.16	2,519.80
28	2,733.44	2,717.15	2,700.98	2,684.96	2,669.06	2,653.29	2,637.66	2,622.15	2,606.76
29	2,828.73	2,811.29	2,794.00	2,776.86	2,759.86	2,743.01	2,726.30	2,709.73	2,693.30
30	2,923.85	2,905.24	2,886.78	2,868.49	2,850.36	2,832.38	2,814.57	2,796.91	2,779.40

ANNUITY TABLE, Continued

Month	2%	2½ %	3%	3½ %	4%	4½ %	5%	5½ %	6%
31	3,018.82	2,998.99	2,979.33	2,959.86	2,940.56	2,921.43	2,902.47	2,883.69	2,865.08
32	3,113.63	3,092.55	3,071.65	3,050.96	3,030.45	3,010.14	2,990.02	2,970.08	2,950.32
33	3,208.29	3,185.91	3,163.75	3,141.79	3,120.05	3,098.52	3,077.19	3,056.07	3,035.15
34	3,302.78	3,279.08	3,255.61	3,232.37	3,209.36	3,186.57	3,164.01	3,141.67	3,119.55
35	3,397.12	3,372.05	3,347.24	3,322.68	3,298.36	3,274.29	3,250.47	3,226.88	3,203.53
36	3,491.30	3,464.83	3,438.64	3,412.72	3,387.07	3,361.69	3,336.57	3,311.70	3,287.10
37	3,585.33	3,557.42	3,529.82	3,502.51	3,475.49	3,448.75	3,422.31	3,396.14	3,370.25
38	3,679.19	3,649.82	3,620.77	3,592.03	3,563.61	3,535.50	3,507.69	3,480.19	3,452.98
39	3,772.91	3,742.02	3,711.49	3,681.29	3,651.44	3,621.91	3,592.72	3,563.85	3,535.30
40	3,866.46	3,834.03	3,801.98	3,770.30	3,738.97	3,708.01	3,677.40	3,647.14	3,617.22
41	3,959.86	3,925.86	3,892.25	3,859.04	3,826.22	3,793.78	3,761.72	3,730.04	3,698.72
42	4,053.11	4,017.49	3,982.29	3,947.53	3,913.18	3,879.24	3,845.70	3,812.57	3,779.83
43	4,146.20	4,108.93	4,072.11	4,035.76	3,999.84	3,964.37	3,929.33	3,894.71	3,860.52
44	4,239.13	4,200.18	4,161.71	4,123.73	4,086.22	4,049.18	4,012.61	3,976.49	3,940.82
45	4,331.91	4,291.24	4,251.08	4,211.44	4,172.31	4,133.68	4,095.54	4,057.89	4,020.71
46	4,424.54	4,382.11	4,340.23	4,298.91	4,258.12	4,217.87	4,178.14	4,138.92	4,100.21
47	4,517.01	4,472.79	4,429.16	4,386.11	4,343.64	4,301.73	4,260.38	4,219.58	4,179.32
48	4,609.33	4,563.28	4,517.86	4,473.07	4,428.88	4,385.29	4,342.29	4,299.87	4,258.03
49	4,701.49	4,653.59	4,606.35	4,559.77	4,513.83	4,468.53	4,423.86	4,379.80	4,336.35
50	4,793.50	4,743.70	4,694.61	4,646.22	4,598.50	4,551.46	4,505.09	4,459.36	4,414.27
51	4,885.36	4,833.63	4,782.66	4,732.41	4,682.89	4,634.09	4,585.98	4,538.56	4,491.81
52	4,977.06	4,923.38	4,870.48	4,818.36	4,767.00	4,716.40	4,666.53	4,617.40	4,568.97
53	5,068.62	5,012.93	4,958.08	4,904.06	4,850.83	4,798.41	4,746.76	4,695.87	4,645.74
54	5,160.02	5,102.30	5,045.47	4,989.50	4,934.39	4,880.11	4,826.65	4,773.99	4,722.13
55	5,251.26	5,191.49	5,132.64	5,074.70	5,017.66	4,961.50	4,906.20	4,851.75	4,798.14
56	5,342.36	5,280.49	5,219.59	5,159.65	5,100.66	5,042.59	4,985.43	4,929.16	4,873.77
57	5,433.30	5,369.30	5,306.32	5,244.36	5,183.38	5,123.38	5,064.33	5,006.22	4,949.03
58	5,524.10	5,457.93	5,392.84	5,328.81	5,265.83	5,203.86	5,142.90	5,082.92	5,023.91
59	5,614.74	5,546.37	5,479.14	5,413.03	5,348.00	5,284.05	5,221.15	5,159.27	5,098.41
60	5,705.23	5,634.64	5,565.23	5,496.99	5,429.90	5,363.93	5,299.07	5,235.28	5,172.55
61	5,795.57	5,722.71	5,651.10	5,580.72	5,511.53	5,443.52	5,376.66	5,310.94	5,246.32
62	5,885.76	5,810.61	5,736.76	5,664.20	5,592.89	5,522.81	5,453.94	5,386.25	5,319.72
63	5,975.80	5,898.32	5,822.21	5,747.43	5,673.97	5,601.80	5,530.89	5,461.22	5,392.76
64	6,065.69	5,985.85	5,907.44	5,830.43	5,754.79	5,680.50	5,607.53	5,535.85	5,465.43
65	6,155.43	6,073.20	5,992.46	5,913.18	5,835.34	5,758.90	5,683.85	5,610.13	5,537.74

66	6,245.03	6,160.36	6,077.26	5,995.69	5,915.62	5,837.02	5,759.85	5,684.08	5,609.69
67	6,334.47	6,247.35	6,161.86	6,077.97	5,995.64	5,914.84	5,835.53	5,757.69	5,681.29
68	6,423.76	6,334.15	6,246.24	6,160.00	6,075.38	5,992.36	5,910.90	5,830.97	5,752.52
69	6,512.91	6,420.77	6,330.42	6,241.79	6,154.87	6,069.60	5,985.96	5,903.91	5,823.41
70	6,601.90	6,507.22	6,414.38	6,323.35	6,234.09	6,146.55	6,060.71	5,976.51	5,893.94
71	6,690.75	6,593.48	6,498.14	6,404.67	6,313.04	6,223.22	6,135.14	6,048.79	5,964.12
72	6,779.45	6,679.57	6,581.68	6,485.75	6,391.74	6,299.59	6,209.27	6,120.74	6,033.95
73	6,868.01	6,765.47	6,665.02	6,566.60	6,470.17	6,375.68	6,283.09	6,192.36	6,103.43
74	6,956.14	6,851.20	6,748.15	6,647.21	6,548.34	6,451.49	6,356.61	6,263.65	6,172.57
75	7,044.67	6,936.75	6,831.07	6,727.59	6,626.26	6,527.01	6,429.82	6,334.61	6,241.36
76	7,132.78	7,022.12	6,913.79	6,807.74	6,703.91	6,602.26	6,502.72	6,405.26	6,309.81
77	7,220.75	7,107.31	6,996.29	6,887.65	6,781.31	6,677.22	6,575.32	6,475.58	6,377.92
78	7,308.57	7,192.33	7,078.60	6,967.32	6,858.44	6,751.90	6,647.63	6,545.58	6,445.69
79	7,396.24	7,277.16	7,160.70	7,046.77	6,935.33	6,826.30	6,719.63	6,615.26	6,513.13
80	7,483.77	7,361.83	7,242.59	7,125.99	7,011.95	6,900.42	6,791.33	6,684.62	6,580.23
81	7,571.15	7,446.31	7,324.28	7,204.97	7,088.33	6,974.27	6,862.74	6,753.66	6,646.99
82	7,658.38	7,530.63	7,405.77	7,283.73	7,164.44	7,047.84	6,933.84	6,822.39	6,713.42
83	7,745.48	7,614.76	7,487.05	7,362.26	7,240.31	7,121.13	7,004.66	6,890.81	6,779.53
84	7,832.42	7,698.72	7,568.13	7,440.55	7,315.92	7,194.16	7,075.18	6,958.92	6,845.30
85	7,919.22	7,782.51	7,649.00	7,518.62	7,391.29	7,266.91	7,145.41	7,026.71	6,910.75
86	8,005.88	7,866.12	7,729.68	7,596.47	7,466.40	7,339.38	7,215.34	7,094.20	6,975.87
87	8,092.39	7,949.56	7,810.15	7,674.09	7,541.26	7,411.59	7,284.99	7,161.37	7,040.66
88	8,178.76	8,032.82	7,890.43	7,751.48	7,615.87	7,483.53	7,354.34	7,228.24	7,105.14
89	8,264.99	8,115.92	7,970.50	7,828.64	7,690.24	7,555.19	7,423.41	7,294.81	7,169.29
90	8,351.07	8,198.84	8,050.38	7,905.59	7,764.36	7,626.59	7,492.20	7,361.07	7,233.13
91	8,437.01	8,281.58	8,130.05	7,982.30	7,838.23	7,697.73	7,560.69	7,427.03	7,296.64
92	8,522.80	8,364.16	8,209.53	8,058.80	7,911.86	7,768.60	7,628.91	7,492.69	7,359.84
93	8,608.45	8,446.56	8,288.81	8,135.07	7,985.24	7,839.20	7,696.84	7,558.05	7,422.73
94	8,693.96	8,528.79	8,367.89	8,211.12	8,058.38	7,909.54	7,764.48	7,623.11	7,485.30
95	8,779.33	8,610.85	8,446.77	8,286.95	8,131.27	7,979.61	7,831.85	7,687.87	7,547.56
96	8,864.56	8,692.74	8,525.46	8,362.56	8,203.93	8,049.43	7,898.94	7,752.34	7,609.52
97	8,949.64	8,774.46	8,603.95	8,437.95	8,276.34	8,118.98	7,965.75	7,816.51	7,671.16
98	9,034.58	8,856.01	8,682.24	8,513.12	8,348.51	8,188.28	8,032.28	7,880.40	7,732.50
99	9,119.38	8,937.39	8,760.34	8,588.07	8,420.44	8,257.31	8,098.54	7,943.99	7,793.53
100	9,204.04	9,018.60	8,838.24	8,662.81	8,492.14	8,326.09	8,164.52	8,007.29	7,854.26

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
101	9,288.56	9,099.65	8,915.95	8,737.32	8,563.59	8,394.61	8,230.23	8,070.30	7,914.69
102	9,372.94	9,180.52	8,993.47	8,811.62	8,634.81	8,462.87	8,295.66	8,133.02	7,974.81
103	9,457.18	9,261.23	9,070.79	8,885.70	8,705.79	8,530.88	8,360.82	8,195.46	8,034.64
104	9,541.28	9,341.76	9,147.92	8,959.57	8,776.53	8,598.64	8,425.72	8,257.61	8,094.17
105	9,625.24	9,422.13	9,224.86	9,033.23	8,847.04	8,666.14	8,490.34	8,319.48	8,153.40
106	9,709.05	9,502.34	9,301.61	9,106.66	8,917.32	8,733.39	8,554.69	8,381.07	8,212.34
107	9,792.73	9,582.37	9,378.16	9,179.89	8,987.36	8,800.39	8,618.78	8,442.37	8,270.98
108	9,876.27	9,662.24	9,454.53	9,252.90	9,057.17	8,867.14	8,682.61	8,503.40	8,329.34
109	9,959.67	9,741.95	9,530.70	9,325.70	9,126.75	8,933.63	8,746.16	8,564.15	8,387.40
110	10,042.94	9,821.49	9,606.68	9,398.29	9,196.10	8,999.88	8,809.46	8,624.62	8,445.17
111	10,126.06	9,900.86	9,682.48	9,470.67	9,265.21	9,065.89	8,872.49	8,684.81	8,502.66
112	10,209.04	9,980.07	9,758.08	9,542.83	9,334.10	9,131.64	8,935.26	8,744.73	8,559.86
113	10,291.89	10,059.11	9,833.50	9,614.79	9,402.75	9,197.15	8,997.77	8,804.38	8,616.78
114	10,374.60	10,137.99	9,908.72	9,686.54	9,471.18	9,262.42	9,060.02	8,863.75	8,673.41
115	10,457.17	10,216.71	9,983.77	9,758.08	9,539.39	9,327.44	9,122.01	8,922.86	8,729.76
116	10,539.60	10,295.26	10,058.62	9,829.41	9,607.36	9,392.22	9,183.74	8,981.69	8,785.83
117	10,621.90	10,373.65	10,133.29	9,900.53	9,675.11	9,456.76	9,245.22	9,040.26	8,841.62
118	10,704.06	10,451.87	10,207.77	9,971.45	9,742.64	9,521.06	9,306.44	9,098.55	8,897.14
119	10,786.08	10,529.93	10,282.06	10,042.16	9,809.94	9,585.11	9,367.41	9,156.59	8,952.38
120	10,867.97	10,607.83	10,356.17	10,112.66	9,877.01	9,648.93	9,428.13	9,214.35	9,007.34
121	10,949.72	10,685.57	10,430.10	10,182.96	9,943.87	9,712.51	9,488.59	9,271.86	9,062.03
122	11,031.34	10,763.15	10,503.84	10,253.06	10,010.50	9,775.85	9,548.81	9,329.10	9,116.45
123	11,112.81	10,840.57	10,577.39	10,322.95	10,076.91	9,838.95	9,608.77	9,386.08	9,170.59
124	11,194.16	10,917.82	10,650.77	10,392.64	10,143.10	9,901.82	9,668.49	9,442.80	9,224.47
125	11,275.37	10,994.91	10,723.96	10,462.12	10,209.07	9,964.45	9,727.95	9,499.26	9,278.08
126	11,356.44	11,071.85	10,796.96	10,531.41	10,274.82	10,026.85	9,787.17	9,555.47	9,331.42
127	11,437.38	11,148.62	10,869.79	10,600.49	10,340.35	10,089.02	9,846.15	9,611.41	9,384.50
128	11,518.18	11,225.24	10,942.43	10,669.37	10,405.66	10,150.95	9,904.88	9,667.11	9,437.32
129	11,598.85	11,301.69	11,014.89	10,738.05	10,470.76	10,212.65	9,963.36	9,722.54	9,489.87
130	11,679.38	11,377.99	11,087.18	10,806.53	10,535.64	10,274.13	10,021.61	9,777.73	9,542.16
131	11,759.78	11,454.12	11,159.28	10,874.81	10,600.31	10,335.37	10,079.61	9,832.66	9,594.18
132	11,840.05	11,530.10	11,231.20	10,942.90	10,664.76	10,396.38	10,137.37	9,887.35	9,645.95
133	11,920.18	11,605.92	11,302.94	11,010.78	10,729.00	10,457.17	10,194.89	9,941.78	9,697.47

134	12,000.18	11,681.59	11,374.51	11,078.47	10,793.02	10,517.73	10,252.17	9,995.96	9,748.72
135	12,080.05	11,757.09	11,445.89	11,145.96	10,856.83	10,578.06	10,309.22	10,049.90	9,799.73
136	12,159.78	11,832.44	11,517.10	11,213.25	10,920.43	10,638.16	10,366.03	10,103.59	9,850.47
137	12,239.38	11,907.63	11,588.13	11,280.35	10,983.82	10,698.05	10,422.60	10,157.04	9,900.97
138	12,318.85	11,982.67	11,658.98	11,347.26	11,046.99	10,757.71	10,478.94	10,210.24	9,951.12
139	12,398.19	12,057.55	11,729.66	11,413.97	11,109.96	10,817.14	10,535.04	10,263.20	10,001.21
140	12,477.39	12,132.27	11,800.16	11,480.48	11,172.72	10,876.35	10,590.91	10,315.92	10,050.95
141	12,556.46	12,206.84	11,870.48	11,546.80	11,235.27	10,935.35	10,646.55	10,368.40	10,100.45
142	12,635.41	12,281.26	11,940.63	11,612.93	11,297.61	10,994.12	10,701.96	10,420.64	10,149.70
143	12,714.21	12,355.52	12,010.60	11,678.87	11,359.74	11,052.67	10,757.14	10,472.64	10,198.71
144	12,792.89	12,429.62	12,080.40	11,744.61	11,421.67	11,111.01	10,812.09	10,524.40	10,247.47
145	12,871.44	12,503.57	12,150.03	11,810.17	11,483.39	11,169.12	10,866.81	10,575.93	10,295.99
146	12,949.86	12,577.37	12,219.48	11,875.53	11,544.91	11,227.02	10,921.30	10,627.22	10,344.27
147	13,028.14	12,651.01	12,288.76	11,940.70	11,606.22	11,284.70	10,975.57	10,678.28	10,392.31
148	13,106.30	12,724.50	12,357.86	12,005.69	11,667.33	11,342.17	11,029.61	10,729.11	10,440.11
149	13,184.33	12,797.84	12,426.79	12,070.48	11,728.24	11,399.42	11,083.43	10,779.70	10,487.67
150	13,262.22	12,871.03	12,495.56	12,135.09	11,788.94	11,456.46	11,137.03	10,830.06	10,534.99
151	13,339.94	12,944.06	12,564.15	12,199.51	11,849.44	11,513.28	11,190.40	10,880.19	10,582.08
152	13,417.63	13,016.94	12,632.56	12,263.74	11,909.74	11,569.90	11,243.55	10,930.10	10,628.94
153	13,495.13	13,089.67	12,700.81	12,327.78	11,969.84	11,626.30	11,296.49	10,979.77	10,675.56
154	13,572.51	13,162.25	12,768.89	12,391.64	12,029.74	11,682.49	11,349.20	11,029.22	10,721.95
155	13,649.76	13,234.68	12,836.80	12,455.31	12,089.45	11,738.47	11,401.69	11,078.45	10,768.11
156	13,726.89	13,306.96	12,904.54	12,518.80	12,148.95	11,794.24	11,453.97	11,127.44	10,814.04
157	13,803.88	13,379.08	12,972.11	12,582.10	12,203.25	11,849.80	11,506.02	11,176.22	10,859.74
158	13,880.75	13,451.06	13,039.51	12,645.22	12,267.36	11,905.16	11,557.87	11,224.77	10,905.21
159	13,957.48	13,522.89	13,106.74	12,708.15	12,326.28	11,960.31	11,609.49	11,273.11	10,950.46
160	14,034.09	13,594.56	13,173.81	12,770.90	12,384.99	12,015.25	11,660.91	11,321.22	10,995.48
161	14,110.57	13,666.09	13,240.70	12,833.47	12,443.51	12,069.99	11,712.11	11,369.11	11,040.28
162	14,186.93	13,737.47	13,307.44	12,895.86	12,501.84	12,124.52	11,763.09	11,416.78	11,084.86
163	14,263.16	13,808.71	13,374.00	12,958.07	12,559.97	12,178.85	11,813.87	11,464.24	11,129.21
164	14,339.26	13,879.79	13,440.40	13,020.09	12,617.91	12,232.98	11,864.43	11,511.48	11,173.35
165	14,415.23	13,950.73	13,506.63	13,081.93	12,675.66	12,286.90	11,914.79	11,558.50	11,217.26
166	14,491.08	14,021.51	13,572.70	13,143.60	12,733.22	12,340.63	11,964.93	11,605.31	11,260.95
167	14,566.80	14,092.16	13,638.60	13,205.08	12,790.58	12,394.15	12,014.87	11,651.90	11,304.43
168	14,642.40	14,162.65	13,704.34	13,266.39	12,847.76	12,447.47	12,064.60	11,698.29	11,347.69
169	14,717.87	14,233.00	13,769.92	13,327.52	12,904.74	12,500.59	12,114.13	11,744.46	11,390.74
170	14,793.21	14,303.20	13,835.33	13,388.47	12,961.54	12,553.52	12,163.45	11,790.42	11,433.57

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
171	14,868.43	14,373.25	13,900.58	13,449.24	13,018.14	12,606.24	12,212.56	11,836.17	11,476.19
172	14,943.53	14,443.16	13,965.66	13,509.84	13,074.56	12,658.77	12,261.47	11,881.71	11,518.60
173	15,018.50	14,512.93	14,030.59	13,570.26	13,130.79	12,711.11	12,310.18	11,927.05	11,560.79
174	15,093.34	14,582.55	14,095.35	13,630.50	13,186.84	12,763.24	12,358.68	11,972.17	11,602.78
175	15,168.06	14,652.02	14,159.95	13,690.57	13,242.69	12,815.19	12,406.99	12,017.09	11,644.56
176	15,242.66	14,721.35	14,224.39	13,750.47	13,298.36	12,866.94	12,455.09	12,061.81	11,686.13
177	15,317.13	14,790.54	14,288.67	13,810.19	13,353.85	12,918.49	12,503.00	12,106.32	11,727.49
178	15,391.48	14,859.58	14,352.79	13,869.73	13,409.15	12,969.85	12,550.70	12,150.63	11,768.65
179	15,465.70	14,928.48	14,416.74	13,929.11	13,464.27	13,021.03	12,598.21	12,194.74	11,809.60
180	15,539.80	14,997.24	14,480.54	13,988.31	13,519.21	13,072.01	12,645.52	12,238.65	11,850.35
181	15,613.78	15,065.85	14,544.18	14,047.34	13,573.96	13,122.79	12,692.63	12,282.35	11,890.89
182	15,687.63	15,134.32	14,607.66	14,106.19	13,628.53	13,173.39	12,739.55	12,325.86	11,931.24
183	15,761.36	15,202.65	14,670.99	14,164.88	13,682.93	13,223.81	12,786.28	12,369.17	11,971.38
184	15,834.97	15,270.83	14,734.15	14,223.39	13,737.13	13,274.03	12,832.81	12,412.28	12,011.32
185	15,908.46	15,338.88	14,797.16	14,281.74	13,791.16	13,324.06	12,879.14	12,455.19	12,051.07
186	15,981.82	15,406.78	14,860.01	14,339.91	13,845.01	13,373.91	12,925.29	12,497.91	12,090.61
187	16,055.06	15,474.54	14,922.70	14,397.92	13,898.69	13,423.57	12,971.24	12,540.43	12,129.96
188	16,128.18	15,542.16	14,985.24	14,455.76	13,952.18	13,473.05	13,017.00	12,582.76	12,169.12
189	16,201.18	15,609.64	15,047.62	14,513.43	14,005.49	13,522.34	13,062.58	12,624.90	12,208.08
190	16,274.06	15,676.98	15,109.84	14,570.93	14,058.63	13,571.45	13,107.96	12,666.84	12,246.84
191	16,346.81	15,744.18	15,171.91	14,628.26	14,111.59	13,620.37	13,153.15	12,708.59	12,285.42
192	16,419.45	15,811.24	15,233.83	14,685.43	14,164.38	13,669.11	13,198.16	12,750.15	12,323.80
193	16,491.96	15,878.16	15,295.59	14,742.43	14,216.99	13,717.67	13,242.98	12,791.53	12,361.99
194	16,564.35	15,944.94	15,357.20	14,799.27	14,269.42	13,766.05	13,287.62	12,832.71	12,399.99
195	16,636.62	16,011.59	15,418.65	14,855.94	14,321.68	13,814.24	13,332.07	12,873.71	12,437.80
196	16,708.78	16,078.09	15,479.95	14,912.44	14,373.77	13,862.26	13,376.33	12,914.51	12,475.42
197	16,780.81	16,144.46	15,541.10	14,968.78	14,425.69	13,910.10	13,420.41	12,955.14	12,512.86
198	16,852.72	16,210.68	15,602.09	15,024.96	14,477.43	13,957.76	13,464.31	12,995.57	12,550.11
199	16,924.51	16,276.77	15,662.93	15,080.97	14,529.00	14,005.24	13,508.03	13,035.83	12,587.17
200	16,996.19	16,342.73	15,723.63	15,136.82	14,580.40	14,052.54	13,551.56	13,075.89	12,624.05

201	17,067.74	16,408.54	15,784.17	15,192.51	14,631.62	14,099.66	13,594.92	13,115.78	12,660.75
202	17,139.17	16,474.22	15,844.55	15,248.04	14,682.68	14,146.61	13,638.09	13,155.48	12,697.26
203	17,210.49	16,539.76	15,904.79	15,303.40	14,733.57	14,193.39	13,681.09	13,195.01	12,733.59
204	17,281.69	16,605.17	15,964.88	15,358.61	14,784.29	14,239.99	13,723.91	13,234.35	12,769.74
205	17,352.77	16,670.44	16,024.82	15,413.65	14,834.84	14,286.42	13,766.55	13,273.51	12,805.72
206	17,423.73	16,735.57	16,084.61	15,468.54	14,885.22	14,332.67	13,809.01	13,312.50	12,841.51
207	17,494.57	16,800.57	16,144.25	15,523.26	14,935.44	14,378.75	13,851.29	13,351.30	12,877.12
208	17,565.29	16,865.44	16,203.74	15,577.82	14,985.49	14,424.66	13,893.40	13,389.93	12,912.56
209	17,635.90	16,930.16	16,263.08	15,632.23	15,035.37	14,470.39	13,935.34	13,428.39	12,947.82
210	17,706.39	16,994.76	16,322.27	15,686.48	15,085.08	14,515.96	13,977.10	13,466.66	12,982.91
211	17,776.76	17,059.22	16,381.32	15,740.57	15,134.64	14,561.35	14,018.69	13,504.77	13,017.82
212	17,847.02	17,123.54	16,440.22	15,794.50	15,184.02	14,606.58	14,060.11	13,542.70	13,052.55
213	17,917.15	17,187.74	16,498.97	15,848.28	15,233.24	14,651.63	14,101.35	13,580.45	13,087.12
214	17,987.18	17,215.18	16,557.58	15,901.90	15,282.30	14,696.52	14,142.43	13,618.04	13,121.51
215	18,057.08	17,315.72	16,616.04	15,955.36	15,331.20	14,741.24	14,183.33	13,655.45	13,155.73
216	18,126.87	17,379.51	16,674.35	16,008.67	15,379.93	14,785.79	14,224.06	13,692.69	13,189.78
217	18,196.54	17,443.17	16,732.52	16,061.82	15,428.50	14,830.18	14,264.63	13,729.76	13,223.66
218	18,266.10	17,506.70	16,790.54	16,114.82	15,476.91	14,874.40	14,305.02	13,766.67	13,257.38
219	18,335.54	17,570.10	16,848.42	16,167.66	15,525.16	14,918.46	14,345.25	13,803.40	13,290.92
220	18,404.86	17,633.36	16,906.16	16,220.35	15,573.25	14,962.35	14,385.31	13,839.97	13,324.30
221	18,474.07	17,696.49	16,963.75	16,272.89	15,621.18	15,006.08	14,425.21	13,876.37	13,357.51
222	18,543.17	17,759.49	17,021.20	16,325.28	15,668.95	15,049.64	14,464.93	13,912.60	13,390.56
223	18,612.15	17,822.36	17,078.50	16,377.51	15,716.56	15,093.04	14,504.50	13,948.67	13,423.44
224	18,681.01	17,885.10	17,135.66	16,429.59	15,764.02	15,136.28	14,543.90	13,984.57	13,456.16
225	18,749.76	17,947.71	17,192.68	16,481.52	15,811.31	15,179.36	14,583.14	14,020.31	13,488.72
226	18,818.40	18,010.19	17,249.55	16,533.29	15,858.45	15,222.27	14,622.21	14,055.89	13,521.11
227	18,886.92	18,072.54	17,306.29	16,584.92	15,905.43	15,265.03	14,661.12	14,091.31	13,553.35
228	18,955.33	18,134.76	17,362.88	16,636.40	15,952.26	15,307.63	14,699.87	14,126.56	13,585.42
229	19,023.62	18,196.85	17,419.33	16,687.73	15,998.93	15,350.06	14,738.46	14,161.65	13,617.33
230	19,091.80	18,258.81	17,475.64	16,738.91	16,045.44	15,392.34	14,776.89	14,196.58	13,649.09
231	19,159.87	18,320.64	17,531.81	16,789.93	16,091.81	15,434.46	14,815.16	14,231.36	13,680.88
232	19,227.82	18,382.35	17,587.84	16,840.82	16,138.01	15,476.43	14,853.27	14,265.97	13,712.12
233	19,295.66	18,443.92	17,643.74	16,891.55	16,184.06	15,518.23	14,891.23	14,300.43	13,743.41
234	19,363.39	18,505.37	17,699.49	16,942.13	16,229.96	15,559.88	14,929.02	14,334.73	13,774.53
235	19,431.01	18,566.69	17,755.10	16,992.57	16,275.71	15,601.38	14,966.66	14,368.87	13,805.51

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
236	19,493.51	18,627.88	17,810.57	17,042.86	16,321.31	15,642.72	15,004.14	14,402.86	13,836.32
237	19,565.90	18,688.94	17,865.91	17,093.01	16,366.75	15,683.90	15,041.47	14,436.69	13,866.99
238	19,633.18	18,749.88	17,921.10	17,143.01	16,412.05	15,724.94	15,078.64	14,470.37	13,897.50
239	19,700.34	18,810.69	17,976.16	17,192.86	16,457.19	15,765.81	15,115.66	14,503.89	13,927.86
240	19,767.40	18,871.38	18,031.09	17,242.57	16,502.18	15,806.54	15,152.53	14,537.26	13,958.07
241	19,834.34	18,931.94	18,085.87	17,292.14	16,547.02	15,847.11	15,189.24	14,570.48	13,988.13
242	19,901.17	18,992.37	18,140.52	17,341.56	16,591.72	15,887.53	15,225.80	14,603.55	14,018.04
243	19,967.89	19,052.68	18,195.03	17,390.83	16,636.26	15,927.80	15,262.20	14,636.46	14,047.80
244	20,034.50	19,112.86	18,249.41	17,439.97	16,680.66	15,967.92	15,298.46	14,669.23	14,077.42
245	20,101.00	19,172.91	18,303.65	17,488.96	16,724.91	16,007.90	15,334.57	14,701.84	14,106.88
246	20,167.39	19,232.84	18,357.76	17,537.81	16,769.02	16,047.72	15,370.52	14,734.31	14,136.20
247	20,233.67	19,292.65	18,411.73	17,586.51	16,812.97	16,087.39	15,406.33	14,766.63	14,165.37
248	20,299.83	19,352.33	18,465.56	17,635.08	16,856.78	16,126.91	15,441.99	14,798.80	14,194.40
249	20,365.89	19,411.89	18,519.26	17,683.50	16,900.45	16,166.29	15,477.50	14,830.83	14,223.28
250	20,431.84	19,471.33	18,572.83	17,731.78	16,943.97	16,205.52	15,512.86	14,862.71	14,252.02
251	20,497.67	19,530.64	18,626.27	17,779.92	16,987.34	16,244.60	15,548.08	14,894.44	14,280.62
252	20,563.40	19,589.83	18,679.57	17,827.93	17,030.58	16,283.54	15,583.15	14,926.03	14,309.08
253	20,629.02	19,648.89	18,732.74	17,875.79	17,073.66	16,322.33	15,618.07	14,957.48	14,337.39
254	20,694.53	19,707.83	18,785.77	17,923.51	17,116.61	16,360.98	15,652.85	14,988.78	14,365.56
255	20,759.93	19,766.65	18,838.67	17,971.09	17,159.41	16,399.48	15,687.49	14,019.94	14,393.59
256	20,825.22	19,825.35	18,891.45	18,018.54	17,202.07	16,437.84	15,721.98	14,050.95	14,421.49
257	20,890.40	19,883.93	18,944.09	18,065.85	17,244.59	16,476.05	15,756.33	15,081.83	14,449.24
258	20,955.48	19,942.38	18,996.59	18,113.02	17,286.96	16,514.12	15,790.53	15,112.56	14,476.85
259	21,020.44	20,000.71	19,048.97	18,160.05	17,329.20	16,552.05	15,824.60	15,143.16	14,504.33
260	21,085.30	20,058.92	19,101.22	18,206.95	17,371.30	16,589.84	15,858.52	15,173.61	14,531.67
261	21,150.05	20,117.01	19,153.34	18,253.71	17,413.25	16,627.49	15,892.30	15,203.92	14,558.88
262	21,214.69	20,174.98	19,205.32	18,300.33	17,455.07	16,664.99	15,925.95	15,234.10	14,585.95
263	21,279.23	20,232.83	19,257.18	18,346.82	17,496.75	16,702.36	15,959.45	15,264.14	14,612.89
264	21,343.65	20,290.56	19,308.91	18,393.17	17,538.28	16,739.59	15,992.81	15,294.04	14,639.69
265	21,407.97	20,348.16	19,360.51	18,439.39	17,579.69	16,776.67	16,026.04	15,323.81	14,666.36
266	21,472.19	20,405.65	19,411.98	18,485.48	17,620.95	16,813.62	16,059.12	15,353.44	14,692.89
267	21,536.29	20,463.02	19,463.32	18,531.43	17,662.08	16,850.43	16,092.07	15,382.93	14,719.29

268	21,600.29	20,520.27	19,514.53	18,577.24	17,703.07	16,887.11	16,124.89	15,412.29	14,745.57
269	21,664.19	20,577.40	19,565.62	18,622.93	17,743.92	16,923.64	16,157.56	15,441.52	14,771.71
270	21,727.97	20,634.41	19,616.58	18,668.48	17,784.64	16,960.04	16,190.10	15,470.61	14,797.72
271	21,791.65	20,691.30	19,667.41	18,713.89	17,825.22	16,996.31	16,222.51	15,499.57	14,823.60
272	21,855.23	20,748.08	19,718.11	18,759.18	17,865.67	17,032.43	16,254.78	15,528.40	14,849.36
273	21,918.70	20,804.74	19,768.69	18,804.33	17,905.98	17,068.43	16,286.92	15,557.10	14,874.98
274	21,982.06	20,861.28	19,819.14	18,849.36	17,946.16	17,104.29	16,318.92	15,585.66	14,900.48
275	22,045.32	20,917.70	19,869.47	18,894.25	17,986.21	17,140.01	16,350.80	15,614.10	14,925.85
276	22,108.47	20,974.00	19,919.67	18,939.01	18,026.12	17,175.60	16,382.53	15,642.41	14,951.09
277	22,171.52	21,030.19	19,969.74	18,983.64	18,065.90	17,211.06	16,414.14	15,670.58	14,976.21
278	22,234.46	21,086.26	20,019.70	19,028.14	18,105.55	17,246.39	16,445.62	15,698.63	15,001.21
279	22,297.30	21,142.21	20,069.52	19,072.51	18,145.06	17,281.58	16,476.96	15,726.55	15,026.08
280	22,360.03	21,198.05	20,119.22	19,116.76	18,184.45	17,316.64	16,508.18	15,754.34	15,050.82
281	22,422.66	21,253.77	20,168.80	19,160.87	18,223.70	17,351.58	16,539.27	15,782.01	15,075.44
282	22,485.18	21,309.38	20,218.26	19,204.86	18,262.83	17,386.38	16,570.22	15,809.55	15,099.94
283	22,547.61	21,364.87	20,267.59	19,248.71	18,301.82	17,421.05	16,601.05	15,836.96	15,124.32
284	22,609.92	21,420.24	20,316.80	19,292.44	18,340.69	17,455.59	16,631.75	15,864.25	15,148.58
285	22,672.14	21,475.50	20,365.88	19,336.05	18,379.42	17,490.00	16,662.33	15,891.41	15,172.72
286	22,734.24	21,530.64	20,414.84	19,379.52	18,418.03	17,524.29	16,692.77	15,918.46	15,196.73
287	22,796.25	21,585.67	20,463.68	19,422.87	18,456.51	17,558.44	16,723.10	15,945.37	15,220.63
288	22,858.15	21,640.59	20,512.40	19,466.10	18,494.86	17,592.47	16,753.29	15,972.17	15,244.41
289	22,919.95	21,695.39	20,561.00	19,509.20	18,533.08	17,626.37	16,783.36	15,998.84	15,268.07
290	22,981.65	21,750.08	20,609.48	19,552.17	18,571.17	17,660.15	16,813.30	16,025.39	15,291.61
291	23,043.25	21,804.65	20,657.83	19,595.02	18,603.14	17,693.79	16,843.12	16,051.82	15,315.03
292	23,104.74	21,859.11	20,706.07	19,637.74	18,646.99	17,727.32	16,872.82	16,078.13	15,338.34
293	23,166.13	21,913.46	20,754.18	19,630.34	18,684.71	17,760.71	16,902.39	16,104.31	15,361.53
294	23,227.42	21,967.69	20,802.18	19,722.81	18,722.30	17,793.99	16,931.84	16,130.38	15,384.61
295	23,288.60	22,021.81	20,850.05	19,765.17	18,759.77	17,827.13	16,961.17	16,156.33	15,407.57
296	23,349.69	22,075.82	20,897.81	19,807.39	18,797.11	17,860.16	16,990.38	16,182.17	15,430.42
297	23,410.67	22,129.72	20,945.44	19,849.50	18,834.33	17,893.06	17,019.47	16,207.88	15,453.16
298	23,471.55	22,183.50	20,992.96	19,891.48	18,871.42	17,925.84	17,048.43	16,233.48	15,475.78
299	23,532.33	22,237.18	21,040.36	19,933.34	18,908.39	17,958.49	17,077.27	16,258.96	15,498.28
300	23,593.01	22,290.74	21,087.64	19,975.08	18,945.24	17,991.03	17,106.00	16,284.32	15,520.68
301	23,653.58	22,344.19	21,134.80	20,016.70	18,981.97	18,023.44	17,134.61	16,309.57	15,542.97
302	23,714.06	22,397.53	21,181.85	20,058.20	19,018.57	18,055.73	17,163.09	16,334.70	15,565.14
303	23,774.44	22,450.75	21,228.78	20,099.57	19,055.06	18,087.90	17,191.46	16,359.72	15,587.20

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
304	23,834.71	22,503.87	21,275.59	20,140.83	19,091.42	18,119.95	17,219.71	16,384.62	15,609.16
305	23,894.89	22,556.88	21,322.28	20,181.97	19,127.66	18,151.88	17,247.85	16,409.41	15,631.00
306	23,954.96	22,609.77	21,368.86	20,222.98	19,163.78	18,183.69	17,275.86	16,434.09	15,652.74
307	24,014.94	22,662.56	21,415.32	20,263.88	19,199.78	18,215.38	17,303.76	16,458.65	15,674.37
308	24,074.81	22,715.24	21,461.67	20,304.66	19,235.66	18,246.96	17,331.55	16,483.11	15,695.89
309	24,134.59	22,767.80	21,507.90	20,345.32	19,271.43	18,278.41	17,359.22	16,507.45	15,717.30
310	24,194.26	22,820.26	21,554.01	20,385.86	19,307.07	18,309.75	17,386.77	16,531.68	15,738.61
311	24,253.84	22,872.61	21,600.01	20,426.28	19,342.59	18,340.97	17,414.22	16,555.80	15,759.81
312	24,313.32	22,924.85	21,645.90	20,466.59	19,378.00	18,372.08	17,441.54	16,579.80	15,780.91
313	24,372.70	22,976.98	21,691.67	20,506.78	19,413.29	18,403.07	17,468.76	16,603.70	15,801.90
314	24,431.98	23,029.00	21,737.33	20,546.85	19,448.46	18,433.94	17,495.86	16,627.50	15,822.78
315	24,491.16	23,080.92	21,782.87	20,586.80	19,483.52	18,464.70	17,522.84	16,651.18	15,843.56
316	24,550.24	23,132.72	21,828.30	20,626.64	19,518.45	18,495.34	17,549.72	16,674.75	15,864.24
317	24,609.23	23,184.42	21,873.61	20,666.36	19,553.28	18,525.87	17,576.49	16,698.22	15,884.82
318	24,668.11	23,236.02	21,918.82	20,705.97	19,587.98	18,556.28	17,603.14	16,721.58	15,905.29
319	24,726.90	23,287.50	21,963.91	20,745.46	19,622.57	18,586.58	17,629.68	16,744.83	15,925.66
320	24,785.59	23,338.88	22,008.88	20,784.84	19,657.05	18,616.77	17,656.11	16,767.98	15,945.93
321	24,844.18	23,390.15	22,053.75	20,824.11	19,691.41	18,646.84	17,682.44	16,791.02	15,966.10
322	24,902.68	23,441.31	22,098.50	20,863.25	19,725.66	18,676.81	17,708.65	16,813.95	15,986.17
323	24,961.08	23,492.37	22,143.15	20,902.29	19,759.79	18,706.66	17,734.76	16,836.79	16,006.14
324	25,019.38	23,543.32	22,187.68	20,941.21	19,793.82	18,736.39	17,760.75	16,859.51	16,026.01
325	25,077.58	23,594.17	22,232.10	20,980.02	19,827.72	18,766.02	17,786.64	16,882.14	16,045.78
326	25,135.69	23,644.91	22,276.41	21,018.71	19,861.52	18,795.54	17,812.42	16,904.66	16,065.46
327	25,193.70	23,695.54	22,320.60	21,057.30	19,895.20	18,824.94	17,838.10	16,927.07	16,085.03
328	25,251.62	23,746.07	22,364.69	21,095.77	19,928.77	18,854.24	17,863.67	16,949.39	16,104.51
329	25,309.43	23,796.49	22,408.67	21,134.13	19,962.23	18,883.43	17,889.13	16,971.60	16,123.89
330	25,367.15	23,846.81	22,452.54	21,172.37	19,995.58	18,912.51	17,914.49	16,993.71	16,143.17
331	25,424.78	23,897.03	22,496.30	21,210.51	20,028.82	18,941.48	17,939.74	17,015.73	16,162.36
332	25,482.31	23,947.14	22,539.95	21,248.53	20,061.94	18,970.34	17,964.88	17,037.64	16,181.45
333	25,539.74	23,997.14	22,583.49	21,286.45	20,094.96	18,999.09	17,989.92	17,059.45	16,200.45
334	25,597.08	24,047.04	22,626.92	21,324.25	20,127.87	19,027.74	18,014.86	17,081.16	16,219.35
335	25,654.32	24,096.84	22,670.25	21,361.95	20,160.66	19,056.28	18,039.70	17,102.77	16,238.16

336	25,711.47	24,146.54	22,713.46	21,399.53	20,193.35	19,084.71	18,064.43	17,124.28	16,256.88
337	25,768.52	24,196.13	22,756.57	21,437.01	20,225.93	19,113.03	18,089.06	17,145.70	16,275.50
338	25,825.48	24,245.62	22,799.57	21,474.37	20,258.41	19,141.25	18,113.58	17,167.02	16,294.03
339	25,882.34	24,295.00	22,842.47	21,511.63	20,290.77	19,169.37	18,138.01	17,188.24	16,312.47
340	25,939.11	24,344.29	22,885.25	21,548.78	20,323.03	19,197.38	18,162.33	17,209.36	16,330.82
341	25,995.79	24,393.47	22,927.93	21,585.82	20,355.18	19,225.28	18,186.56	17,230.39	16,349.07
342	26,052.37	24,442.54	22,970.51	21,622.76	20,387.22	19,253.08	18,210.68	17,251.32	16,367.23
343	26,108.85	24,491.52	23,012.97	21,659.58	20,419.15	19,280.78	18,234.70	17,272.16	16,385.31
344	26,165.24	24,540.39	23,055.34	21,696.30	20,450.98	19,308.38	18,258.62	17,292.90	16,403.29
345	26,221.54	24,589.17	23,097.59	21,732.91	20,482.71	19,335.87	18,282.45	17,313.54	16,421.18
346	26,277.74	24,637.84	23,139.74	21,769.42	20,514.33	19,363.25	18,306.17	17,334.10	16,438.99
347	26,333.85	24,686.41	23,181.79	21,805.82	20,545.84	19,390.54	18,329.80	17,354.55	16,456.71
348	26,389.87	24,734.88	23,223.73	21,842.11	20,577.25	19,417.72	18,353.32	17,374.92	16,474.33
349	26,445.79	24,783.24	23,265.57	21,878.30	20,608.56	19,444.80	18,376.75	17,395.19	16,491.88
350	26,501.62	24,831.51	23,307.30	21,914.38	20,639.76	19,471.79	18,400.09	17,415.37	16,509.33
351	26,557.36	24,879.68	23,348.92	21,950.36	20,670.85	19,498.67	18,423.32	17,435.46	16,526.69
352	26,613.01	24,927.75	23,390.45	21,986.24	20,701.85	19,525.44	18,446.46	17,455.45	16,543.97
353	26,668.56	24,975.71	23,431.87	22,022.01	20,732.74	19,552.12	18,469.51	17,475.36	16,561.17
354	26,724.02	25,023.58	23,473.19	22,057.67	20,763.53	19,578.70	18,492.45	17,495.17	16,578.28
355	26,779.39	25,071.35	23,514.40	22,093.23	20,794.21	19,605.18	18,515.31	17,514.90	16,595.30
356	26,834.66	25,119.02	23,555.51	22,128.69	20,824.80	19,631.57	18,538.06	17,534.53	16,612.24
357	26,889.85	25,166.59	23,596.52	22,164.04	20,855.28	19,657.85	18,560.73	17,554.07	16,629.09
358	26,944.94	25,214.06	23,637.43	22,199.30	20,885.66	19,684.03	18,583.30	17,573.53	16,645.87
359	26,999.94	25,261.43	23,678.23	22,234.45	20,915.94	19,710.12	18,605.77	17,592.89	16,662.55
360	27,054.85	25,308.70	23,718.93	22,269.49	20,946.12	19,736.11	18,628.16	17,612.17	16,679.16
361	27,109.66	25,355.88	23,759.53	22,304.44	20,976.20	19,762.00	18,650.45	17,631.36	16,695.68
362	27,164.39	25,402.96	23,800.03	22,339.28	21,006.18	19,787.80	18,672.64	17,650.46	16,712.12
363	27,219.02	25,449.94	23,840.43	22,374.03	21,036.06	19,813.50	18,694.75	17,669.48	16,728.48
364	27,273.57	25,496.82	23,880.73	22,408.67	21,065.84	19,839.10	18,716.76	17,688.41	16,744.75
365	27,328.02	25,543.60	23,920.93	22,443.21	21,095.52	19,864.61	18,738.68	17,707.25	16,760.95
366	27,382.38	25,590.29	23,961.03	22,477.65	21,125.10	19,890.02	18,760.52	17,726.00	16,777.06
367	27,436.66	25,636.88	24,001.02	22,511.99	21,154.59	19,915.34	18,782.26	17,744.67	16,793.10
368	27,490.84	25,683.37	24,040.92	22,546.23	21,183.97	19,940.56	18,803.91	17,763.26	16,809.05
369	27,544.93	25,729.77	24,080.72	22,580.37	21,213.26	19,965.69	18,825.47	17,781.76	16,824.93
370	27,598.93	25,776.07	24,120.42	22,614.41	21,242.46	19,990.73	18,846.94	17,800.17	16,840.72

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
371	27,652.84	25,822.27	24,160.02	22,648.35	21,271.55	20,015.67	18,868.32	17,818.51	16,856.44
372	27,706.67	25,868.38	24,199.52	22,682.20	21,300.55	20,040.51	18,889.61	17,836.75	16,872.08
373	27,760.40	25,914.39	24,238.92	22,715.94	21,329.45	20,065.27	18,910.82	17,854.92	16,887.64
374	27,814.04	25,960.31	24,278.23	22,749.59	21,358.26	20,089.93	18,931.94	17,873.00	16,903.13
375	27,867.60	26,006.13	24,317.43	22,783.14	21,386.97	20,114.50	18,952.96	17,891.00	16,918.53
376	27,921.06	26,051.85	24,356.54	22,816.59	21,415.58	20,138.98	18,973.91	17,908.92	16,933.86
377	27,974.44	26,097.48	24,395.55	22,849.94	21,444.10	20,163.37	18,994.76	17,926.75	16,949.12
378	28,027.72	26,143.02	24,434.47	22,883.20	21,472.53	20,187.67	19,015.53	17,944.51	16,964.30
379	28,080.92	26,188.46	24,473.28	22,916.36	21,500.86	20,211.87	19,036.21	17,962.18	16,979.40
380	28,134.03	26,233.80	24,512.00	22,949.42	21,529.09	20,235.99	19,056.81	17,979.77	16,994.43
381	28,187.05	26,279.06	24,550.63	22,982.39	21,557.24	20,260.01	19,077.32	17,997.29	17,009.38
382	28,239.99	26,324.21	24,589.15	23,015.26	21,585.28	20,283.95	19,097.75	18,014.72	17,024.26
383	28,292.83	26,369.28	24,627.59	23,048.04	21,613.24	20,307.79	19,118.09	18,032.07	17,039.06
384	28,345.59	26,414.25	24,665.92	23,080.72	21,641.10	20,331.55	19,138.34	18,049.35	17,053.79
385	28,398.25	26,459.13	24,704.16	23,113.31	21,668.87	20,355.22	19,158.52	18,066.54	17,068.45
386	28,450.84	26,503.91	24,742.30	23,145.80	21,696.55	20,378.80	19,178.61	18,083.66	17,083.04
387	28,503.34	26,548.60	24,780.35	23,178.20	21,724.14	20,402.29	19,198.61	18,100.70	17,097.55
388	28,555.74	26,593.20	24,818.31	23,210.50	21,751.63	20,425.69	19,218.54	18,117.66	17,111.99
389	28,608.06	26,637.70	24,856.17	23,242.71	21,779.03	20,449.01	19,238.38	18,134.54	17,126.36
390	28,660.30	26,682.11	24,893.93	23,274.82	21,806.35	20,472.24	19,258.13	18,151.35	17,140.65
391	28,712.44	26,726.43	24,931.60	23,306.85	21,833.57	20,495.38	19,277.81	18,168.08	17,154.88
392	28,764.50	26,770.66	24,969.18	23,338.77	21,860.70	20,518.43	19,297.40	18,184.73	17,169.03
393	28,816.47	26,814.80	25,006.66	23,370.61	21,887.74	20,541.40	19,316.92	18,201.31	17,183.12
394	28,868.36	26,858.84	25,044.05	23,402.35	21,914.69	20,564.29	19,336.35	18,217.81	17,197.13
395	28,920.16	26,902.79	25,081.35	23,434.00	21,941.55	20,587.09	19,355.70	18,234.24	17,211.08
396	28,971.87	26,946.66	25,118.55	23,465.56	21,968.32	20,609.80	19,374.97	18,250.59	17,224.95
397	29,023.50	26,990.43	25,155.66	23,497.03	21,995.01	20,632.43	19,394.16	18,266.86	17,238.76
398	29,075.04	27,034.10	25,192.68	23,528.40	22,021.60	20,654.97	19,413.27	18,283.07	17,252.50
399	29,126.50	27,077.69	25,229.61	23,559.69	22,048.11	20,677.43	19,432.30	18,299.19	17,266.17
400	29,177.87	27,121.19	25,266.44	23,590.88	22,074.53	20,699.81	19,451.26	18,315.25	17,279.77

401	29,229.15	27,164.60	25,303.18	23,621.98	22,100.86	20,722.10	19,470.13	18,331.23	17,293.30
402	29,280.35	27,207.91	25,339.83	23,653.00	22,127.10	20,744.31	19,488.93	18,347.14	17,306.77
403	29,331.47	27,251.14	25,376.39	23,683.92	22,153.26	20,766.43	19,507.65	18,362.98	17,320.17
404	29,382.50	27,294.28	25,412.86	23,714.75	22,179.33	20,788.48	19,526.29	18,378.74	17,333.50
405	29,433.44	27,337.32	25,449.24	23,745.49	22,205.31	20,810.44	19,544.85	18,394.43	17,346.76
406	29,484.30	27,380.28	25,485.52	23,776.15	22,231.20	20,832.32	19,563.34	18,410.05	17,359.96
407	29,535.07	27,423.15	25,521.72	23,806.71	22,257.01	20,854.11	19,581.75	18,425.60	17,373.10
408	29,585.76	27,465.93	25,557.83	23,837.18	22,282.74	20,875.83	19,600.08	18,441.08	17,386.17
409	29,636.37	27,508.62	25,593.84	23,867.51	22,308.38	20,897.46	19,618.33	18,456.49	17,399.17
410	29,686.89	27,551.22	25,629.77	23,897.87	22,333.93	20,919.02	19,636.52	18,471.83	17,412.11
411	29,737.33	27,593.74	25,665.60	23,928.08	22,359.40	20,940.49	19,654.62	18,487.09	17,424.99
412	29,787.68	27,636.16	25,701.35	23,958.20	22,384.78	20,961.88	19,672.65	18,502.29	17,437.80
413	29,837.95	27,678.50	25,737.01	23,988.23	22,410.08	20,983.20	19,690.61	18,517.42	17,450.54
414	29,888.14	27,720.74	25,772.58	24,018.18	22,435.30	21,004.43	19,708.49	18,532.48	17,463.23
415	29,938.24	27,762.91	25,808.06	24,048.04	22,460.43	21,025.58	19,726.30	18,547.47	17,475.85
416	29,988.26	27,804.98	25,843.45	24,077.81	22,485.48	21,046.66	19,744.03	18,562.39	17,488.41
417	30,038.20	27,846.96	25,878.75	24,107.50	22,510.44	21,067.66	19,761.69	18,577.25	17,500.90
418	30,088.05	27,888.86	25,913.96	24,137.10	22,535.33	21,088.57	19,779.28	18,592.03	17,513.34
419	30,137.82	27,930.67	25,949.09	24,165.61	22,560.13	21,109.41	19,796.79	18,606.75	17,525.71
420	30,187.51	27,972.40	25,984.13	24,196.04	22,584.84	21,130.18	19,814.23	18,621.40	17,538.02
421	30,237.12	28,014.03	26,019.08	24,225.39	22,609.48	21,150.86	19,831.60	18,635.99	17,550.27
422	30,286.64	28,055.59	26,053.95	24,254.64	22,634.03	21,171.47	19,848.89	18,650.51	17,562.45
423	30,336.08	28,097.05	26,088.73	24,283.82	22,658.50	21,192.00	19,866.12	18,664.96	17,574.58
424	30,385.44	28,138.43	26,123.42	24,312.90	22,682.89	21,212.45	19,883.27	18,679.35	17,586.65
425	30,434.71	28,179.72	26,158.02	24,341.91	22,707.20	21,232.83	19,900.35	18,693.67	17,598.65
426	30,483.90	28,220.93	26,192.54	24,370.82	22,731.43	21,253.13	19,917.36	18,707.92	17,610.60
427	30,533.02	28,262.05	26,226.97	24,399.66	22,755.58	21,273.35	19,934.30	18,722.11	17,622.49
428	30,582.05	28,303.08	26,261.32	24,428.41	22,779.65	21,293.50	19,951.18	18,736.24	17,634.32
429	30,630.99	28,344.03	26,295.58	24,457.08	22,803.63	21,313.58	19,967.98	18,750.30	17,646.09
430	30,679.86	28,384.90	26,329.76	24,485.66	22,827.54	21,333.57	19,984.71	18,764.30	17,657.80
431	30,728.65	28,425.68	26,363.85	24,514.16	22,851.37	21,353.50	20,001.37	18,778.23	17,669.45
432	30,777.35	28,466.37	26,397.85	24,542.58	22,875.12	21,373.35	20,017.96	18,792.10	17,681.05
433	30,825.97	28,506.98	26,431.77	24,570.91	22,898.79	21,393.12	20,034.48	18,805.91	17,692.58
434	30,874.52	28,547.51	26,465.61	24,599.16	22,922.38	21,412.83	20,050.94	18,819.65	17,704.06
435	30,922.98	28,587.95	26,499.36	24,627.33	22,945.90	21,432.45	20,067.32	18,833.33	17,715.48

ANNUITY TABLE, Continued

Month	2%	2½%	3%	3½%	4%	4½%	5%	5½%	6%
436	30,971.36	28,628.31	26,533.03	24,655.42	22,969.33	21,452.01	20,083.64	18,846.95	17,726.85
437	31,019.66	28,668.58	26,566.61	24,683.43	22,992.69	21,471.49	20,099.89	18,860.50	17,738.16
438	31,067.83	28,708.77	26,600.11	24,711.35	23,015.97	21,490.90	20,116.07	18,874.00	17,749.41
439	31,116.02	28,748.88	26,633.53	24,739.20	23,039.17	21,510.24	20,132.19	18,887.43	17,760.61
440	31,164.08	28,788.90	26,666.86	24,766.93	23,062.30	21,529.50	20,148.24	18,900.80	17,771.75
441	31,212.06	28,828.84	26,700.11	24,794.64	23,085.35	21,548.69	20,164.22	18,914.11	17,782.84
442	31,259.96	28,868.70	26,733.28	24,822.25	23,108.32	21,567.81	20,180.14	18,927.36	17,793.87
443	31,307.78	28,908.47	26,766.36	24,849.77	23,131.22	21,586.86	20,195.99	18,940.55	17,804.84
444	31,355.52	28,948.16	26,799.36	24,877.21	23,154.04	21,605.84	20,211.77	18,953.68	17,815.76
445	31,403.18	28,987.77	26,832.28	24,904.57	23,176.78	21,624.75	20,227.49	18,966.75	17,826.63
446	31,450.76	29,027.30	26,865.12	24,931.85	23,199.45	21,643.59	20,243.14	18,979.76	17,837.44
447	31,498.27	29,066.74	26,897.88	24,959.05	23,222.04	21,662.35	20,258.73	18,992.71	17,848.20
448	31,545.69	29,106.11	26,930.55	24,986.18	23,244.56	21,681.05	20,274.26	19,005.60	17,858.91
449	31,593.04	29,145.39	26,963.14	25,013.22	23,267.00	21,699.67	20,289.72	19,018.43	17,869.56
450	31,640.30	29,184.58	26,995.65	25,040.19	23,289.37	21,718.23	20,305.11	19,031.20	17,880.16
451	31,687.49	29,223.70	27,028.08	25,067.08	23,311.67	21,736.72	20,320.44	19,043.92	17,890.71
452	31,734.60	29,262.74	27,060.43	25,093.89	23,333.89	21,755.14	20,335.71	19,056.58	17,901.20
453	31,781.63	29,301.69	27,092.70	25,120.62	23,356.03	21,773.49	20,350.91	19,069.18	17,911.64
454	31,828.58	29,340.57	27,124.89	25,147.27	23,378.11	21,791.77	20,366.06	19,081.72	17,922.03
455	31,875.46	29,379.36	27,156.99	25,173.85	23,400.11	21,809.98	20,381.13	19,094.20	17,932.37
456	31,922.25	29,418.07	27,189.02	25,200.35	23,422.03	21,828.12	20,396.15	19,106.63	17,942.66
457	31,968.97	29,456.70	27,220.97	25,226.77	23,443.89	21,846.20	20,411.10	19,119.00	17,952.89
458	32,015.61	29,495.26	27,252.84	25,253.11	23,465.67	21,864.21	20,426.00	19,131.32	17,963.08
459	32,062.17	29,533.73	27,284.63	25,279.38	23,487.38	21,882.15	20,440.83	19,143.58	17,973.21
460	32,108.66	29,572.12	27,316.33	25,305.57	23,509.01	21,900.03	20,455.59	19,155.78	17,983.29
461	32,155.07	29,610.43	27,347.97	25,331.69	23,530.58	21,917.83	20,470.30	19,167.93	17,993.33
462	32,201.40	29,648.66	27,379.52	25,357.73	23,552.07	21,935.58	20,484.95	19,180.02	18,003.31
463	32,247.65	29,686.81	27,410.99	25,383.69	23,573.49	21,953.25	20,499.53	19,192.05	18,013.24
464	32,293.83	29,724.89	27,442.38	25,409.58	23,594.84	21,970.86	20,514.06	19,204.04	18,023.13
465	32,339.93	29,762.88	27,473.70	25,435.40	23,616.12	21,988.40	20,528.52	19,215.96	18,032.96

466	32,385.95	29,800.80	27,504.94	25,461.13	23,637.33	22,005.88	20,542.93	19,227.83	18,042.75
467	32,431.90	29,838.63	27,536.10	25,486.80	23,658.47	22,023.29	20,557.27	19,239.65	18,052.49
468	32,477.77	29,876.39	27,567.18	25,512.39	23,679.54	22,040.64	20,571.56	19,251.42	18,062.18
469	32,523.56	29,914.07	27,598.18	25,537.90	23,700.54	22,057.93	20,585.78	19,263.13	18,071.82
470	32,569.28	29,951.67	27,629.11	25,563.34	23,721.46	22,075.14	20,599.95	19,274.78	18,081.41
471	32,614.92	29,989.19	27,659.96	25,588.71	23,742.32	22,092.30	20,614.06	19,286.39	18,090.96
472	32,660.49	30,026.64	27,690.73	25,614.00	23,763.11	22,109.39	20,628.11	19,297.94	18,100.45
473	32,705.98	30,064.00	27,721.43	25,639.22	23,783.83	22,126.41	20,642.10	19,309.44	18,109.90
474	32,751.39	30,101.29	27,752.05	25,664.37	23,804.48	22,143.38	20,656.03	19,320.88	18,119.31
475	32,796.73	30,138.50	27,782.59	25,689.44	23,825.07	22,160.27	20,669.91	19,332.28	18,128.66
476	32,842.00	30,175.64	27,813.06	25,714.44	23,845.58	22,177.11	20,683.72	19,343.62	18,137.97
477	32,887.18	30,212.69	27,843.45	25,739.36	23,866.03	22,193.88	20,697.48	19,354.91	18,147.24
478	32,932.30	30,249.67	27,873.77	25,764.22	23,886.41	22,210.59	20,711.19	19,366.15	18,156.46
479	32,977.34	30,286.58	27,904.01	25,789.00	23,906.72	22,227.24	20,724.83	19,377.34	18,165.63
480	33,022.30	30,323.40	27,934.17	25,813.71	23,926.96	22,243.83	20,738.42	19,388.47	18,174.75

**MORTALITY TABLE AS PROVIDED IN ACT NO. 457,
APPROVED AUGUST 31, 1953**

Commissioners 1958 Standard Ordinary Mortality Table

Age	Number Living	Deaths Each Year	Death Rate per 1,000	Expectation of Life
0	10,000,000	70,800	7.08	68.30
1	9,929,200	17,475	1.76	67.78
2	9,911,725	15,066	1.52	66.90
3	9,896,659	14,449	1.46	66.00
4	9,882,210	13,835	1.40	65.10
5	9,868,375	13,322	1.35	64.19
6	9,855,053	12,812	1.30	63.27
7	9,842,241	12,401	1.26	62.35
8	9,829,840	12,091	1.23	61.43
9	9,817,749	11,879	1.21	60.51
10	9,805,870	11,865	1.21	59.58
11	9,794,005	12,047	1.23	58.65
12	9,781,958	12,325	1.26	57.72
13	9,769,633	12,896	1.32	56.80
14	9,756,737	13,562	1.39	55.87
15	9,743,175	14,225	1.46	54.95
16	9,728,950	14,983	1.54	54.03
17	9,713,967	15,737	1.62	53.11
18	9,698,230	16,390	1.69	52.19
19	9,681,840	16,846	1.74	51.28
20	9,664,994	17,300	1.79	50.37
21	9,647,694	17,655	1.83	49.46
22	9,630,039	17,912	1.86	48.55
23	9,612,127	18,167	1.89	47.64
24	9,593,960	18,324	1.91	46.73
25	9,575,636	18,481	1.93	45.82
26	9,557,155	18,732	1.96	44.90
27	9,538,423	18,981	1.99	43.99
28	9,519,442	19,324	2.03	43.08
29	9,500,118	19,760	2.08	42.16
30	9,480,358	20,193	2.13	41.25
31	9,460,165	20,718	2.19	40.34
32	9,439,447	21,239	2.25	39.43
33	9,418,208	21,850	2.32	38.51
34	9,396,358	22,551	2.40	37.60
35	9,373,807	23,528	2.51	36.69
36	9,350,279	24,685	2.64	35.78
37	9,325,594	26,112	2.80	34.88
38	9,299,482	27,991	3.01	33.97
39	9,271,491	30,132	3.25	33.07
40	9,241,359	32,622	3.53	32.18
41	9,208,737	35,362	3.84	31.29
42	9,173,375	38,253	4.17	30.41
43	9,135,122	41,382	4.53	29.54
44	9,093,740	44,741	4.92	28.67
45	9,048,999	48,412	5.35	27.81
46	9,000,587	52,473	5.83	26.95
47	8,948,114	56,910	6.36	26.11
48	8,891,204	61,794	6.95	25.27
49	8,829,410	67,104	7.60	24.45

MORTALITY TABLE AS PROVIDED IN ACT NO. 457,
APPROVED AUGUST 31, 1953—Continued

Commissioners 1958 Standard Ordinary Mortality Table

Age	Number Living	Deaths Each Year	Death Rate per 1,000	Expectation of Life
50	8,762,306	72,902	8.32	23.63
51	8,689,404	79,160	9.11	22.82
52	8,610,244	85,758	9.96	22.03
53	8,524,486	92,832	10.89	21.25
54	8,431,654	100,337	11.90	20.47
55	8,331,317	108,307	13.00	19.71
56	8,223,010	116,849	14.21	18.97
57	8,106,161	125,970	15.54	18.23
58	7,980,191	135,663	17.00	17.51
59	7,844,528	145,830	18.59	16.81
60	7,698,698	156,592	20.34	16.12
61	7,542,106	167,736	22.24	15.44
62	7,374,370	179,271	24.31	14.78
63	7,195,099	191,174	26.57	14.14
64	7,003,925	203,394	29.04	13.51
65	6,800,531	215,917	31.75	12.90
66	6,584,614	228,749	34.74	12.31
67	6,355,865	241,777	38.04	11.73
68	6,114,088	254,835	41.68	11.17
69	5,859,253	267,241	45.61	10.64
70	5,592,012	278,426	49.79	10.12
71	5,313,586	287,731	54.15	9.63
72	5,025,855	294,766	58.65	9.15
73	4,731,089	299,289	63.26	8.69
74	4,431,800	301,894	68.12	8.24
75	4,129,906	303,011	73.37	7.81
76	3,826,895	303,014	79.18	7.39
77	3,523,881	301,997	85.70	6.98
78	3,221,884	299,829	93.06	6.59
79	2,922,055	295,683	101.19	6.21
80	2,626,372	288,848	109.98	5.85
81	2,337,524	278,983	119.35	5.51
82	2,058,541	265,902	129.17	5.19
83	1,792,639	249,858	139.38	4.89
84	1,542,781	231,433	150.01	4.60
85	1,311,348	211,311	161.14	4.32
86	1,100,037	190,108	172.82	4.06
87	909,929	168,455	185.13	3.80
88	741,474	146,997	198.25	3.55
89	594,477	126,303	212.46	3.31
90	468,174	106,809	228.14	3.06
91	361,365	88,813	245.77	2.82
92	272,552	72,480	265.93	2.58
93	200,072	57,881	289.30	2.33
94	142,191	45,026	316.66	2.07
95	97,165	34,128	351.24	1.80
96	63,037	25,250	400.56	1.51
97	37,787	18,456	488.42	1.18
98	19,331	12,916	668.15	.83
99	6,415	6,415	1000.00	.50

The Expectation of Life is the average number of years which a large number of persons of any given age have yet to live; that is, the sum of the years which all will live divided by the number of persons.

**MORTALITY TABLES AS PROVIDED IN ACT NO. 457, APPROVED
AUGUST 31, 1953**

1941 CSO Mortality Table—Commissioners Standard Ordinary

AGE	Number Living	Deaths Each Year	Death Rate per 1000	Expectation of Life (Yrs.)	AGE	Number Living	Deaths Each Year	Death Rate per 1000	Expectation of Life (Yrs.)
0	1,023,102	23,102	22.58	62.35	50	810,900	9,990	12.32	21.37
1	1,000,000	5,770	5.77	62.76	51	800,910	10,628	13.27	20.64
2	994,230	4,116	4.14	62.12	52	790,282	11,301	14.30	19.91
3	990,114	3,347	3.38	61.37	53	778,981	12,020	15.43	19.19
4	986,767	2,950	2.99	60.58	54	766,961	12,770	16.65	18.48
5	983,817	2,715	2.76	59.76	55	754,191	13,560	17.98	17.78
6	981,102	2,561	2.61	58.92	56	740,631	14,390	19.43	17.10
7	978,541	2,417	2.47	58.08	57	726,241	15,251	21.00	16.43
8	976,124	2,255	2.31	57.22	58	710,990	16,147	22.71	15.77
9	973,869	2,065	2.12	56.35	59	694,843	17,072	24.57	15.13
10	971,804	1,914	1.97	55.47	60	677,771	18,022	26.59	14.50
11	969,890	1,852	1.91	54.58	61	659,749	18,988	28.78	13.88
12	968,038	1,859	1.92	53.68	62	640,761	19,979	31.18	13.27
13	966,179	1,913	1.98	52.78	63	620,782	20,958	33.79	12.69
14	964,266	1,996	2.07	51.89	64	599,824	21,942	36.58	12.11
15	962,270	2,069	2.15	50.99	65	577,882	22,907	39.64	11.55
16	960,201	2,103	2.19	50.10	66	554,975	23,842	42.96	11.01
17	958,098	2,156	2.25	49.21	67	531,133	24,730	46.56	10.48
18	955,942	2,199	2.30	48.32	68	506,403	25,553	50.46	9.97
19	953,743	2,260	2.37	47.43	69	480,850	26,302	54.70	9.47
20	951,483	2,312	2.43	46.54	70	454,548	26,955	59.30	8.99
21	949,171	2,382	2.51	45.66	71	427,593	27,481	64.27	8.52
22	946,789	2,452	2.59	44.77	72	400,112	27,872	69.66	8.08
23	944,337	2,531	2.68	43.88	73	372,240	28,104	75.50	7.64
24	941,806	2,609	2.77	43.00	74	344,136	28,154	81.81	7.23
25	939,197	2,705	2.88	42.12	75	315,982	28,009	88.64	6.82
26	936,492	2,800	2.99	41.24	76	287,973	27,651	96.02	6.44
27	933,692	2,904	3.11	40.36	77	260,322	27,071	103.99	6.07
28	930,788	3,025	3.25	39.49	78	233,251	26,262	112.59	5.72
29	927,763	3,154	3.40	38.61	79	206,989	25,224	121.86	5.38
30	924,609	3,292	3.56	37.74	80	181,765	23,966	131.85	5.06
31	921,317	3,437	3.73	36.88	81	157,799	22,502	142.60	4.75
32	917,880	3,598	3.92	36.01	82	135,297	20,857	154.16	4.46
33	914,282	3,767	4.12	35.15	83	114,440	19,062	166.57	4.18
34	910,515	3,961	4.35	34.29	84	95,378	17,157	179.88	3.91
35	906,554	4,161	4.59	33.44	85	78,221	15,185	194.13	3.66
36	902,393	4,386	4.86	32.59	86	63,036	13,198	209.37	3.42
37	898,007	4,625	5.15	31.75	87	49,838	11,245	225.63	3.19
38	893,382	4,878	5.46	30.91	88	38,593	9,378	243.00	2.98
39	888,504	5,162	5.81	30.08	89	29,215	7,638	261.44	2.77
40	883,342	5,459	6.18	29.25	90	21,577	6,063	280.99	2.58
41	877,883	5,785	6.59	28.43	91	15,514	4,681	301.73	2.39
42	872,098	6,131	7.03	27.62	92	10,833	3,506	323.64	2.21
43	865,967	6,503	7.51	26.81	93	7,327	2,540	346.66	2.03
44	859,464	6,910	8.04	26.01	94	4,787	1,776	371.00	1.84
45	852,554	7,340	8.61	25.21	95	3,011	1,193	396.21	1.63
46	845,214	7,801	9.23	24.43	96	1,818	813	447.19	1.37
47	837,413	8,299	9.91	23.65	97	1,005	551	548.26	1.08
48	829,114	8,822	10.64	22.88	98	454	329	724.67	.78
49	820,292	9,392	11.45	22.12	99	125	125	1,000.00	.50

MORTALITY TABLES AS PROVIDED IN ACT NO. 457, APPROVED

AUGUST 31, 1953

American Experience Table of Mortality

AGE	Number Living	Deaths Each Year	Death Rate per 1000	Expectation of Life (Yrs.)	AGE	Number Living	Deaths Each Year	Death Rate per 1000	Expectation of Life (Yrs.)
10	100,000	749	7.49	48.72	55	64,563	1,199	18.57	17.40
11	99,251	746	7.52	48.08	56	63,364	1,260	19.89	16.72
12	98,505	743	7.54	47.45	57	62,104	1,325	21.34	16.05
13	97,762	740	7.57	46.80	58	60,779	1,394	22.94	15.39
14	97,022	737	7.60	46.16	59	59,385	1,468	24.72	14.74
15	96,285	735	7.63	45.50	60	57,917	1,546	26.69	14.10
16	95,550	732	7.66	44.85	61	56,371	1,628	28.88	13.47
17	94,818	729	7.69	44.19	62	54,743	1,713	31.29	12.86
18	94,089	727	7.73	43.53	63	53,030	1,800	33.94	12.26
19	93,362	725	7.77	42.87	64	51,230	1,889	36.87	11.67
20	92,637	723	7.81	42.20	65	49,341	1,980	40.13	11.10
21	91,914	722	7.86	41.53	66	47,361	2,070	43.71	10.54
22	91,192	721	7.91	40.85	67	45,291	2,158	47.65	10.00
23	90,471	720	7.96	40.17	68	43,133	2,243	52.00	9.47
24	89,751	719	8.01	39.49	69	40,890	2,321	56.76	8.97
25	89,032	718	8.07	38.81	70	38,569	2,391	61.99	8.48
26	88,314	718	8.13	38.12	71	36,178	2,448	67.57	8.00
27	87,596	718	8.20	37.43	72	33,730	2,487	73.73	7.55
28	86,878	718	8.26	36.73	73	31,243	2,505	80.18	7.11
29	86,160	719	8.35	36.03	74	28,738	2,501	87.03	6.68
30	85,441	720	8.43	35.33	75	26,237	2,476	94.37	6.27
31	84,721	721	8.51	34.63	76	23,761	2,431	102.31	5.88
32	84,000	723	8.61	33.92	77	21,330	2,369	111.06	5.49
33	83,277	726	8.72	33.21	78	18,961	2,291	120.83	5.11
34	82,551	729	8.83	32.50	79	16,670	2,196	131.73	4.74
35	81,822	732	8.95	31.78	80	14,474	2,091	144.47	4.39
36	81,090	737	9.09	31.07	81	12,383	1,964	158.61	4.05
37	80,353	742	9.23	30.35	82	10,419	1,816	174.30	3.71
38	79,611	749	9.41	29.62	83	8,603	1,648	191.56	3.39
39	78,862	756	9.59	28.90	84	6,955	1,470	211.36	3.08
40	78,106	765	9.79	28.18	85	5,485	1,292	235.55	2.77
41	77,341	774	10.01	27.45	86	4,193	1,114	265.68	2.47
42	76,567	785	10.25	26.72	87	3,079	933	303.02	2.18
43	75,782	797	10.52	26.00	88	2,146	744	346.69	1.91
44	74,985	812	10.83	25.27	89	1,402	555	395.86	1.66
45	74,173	828	11.16	24.54	90	847	385	454.55	1.42
46	73,345	848	11.56	23.81	91	462	246	532.47	1.19
47	72,497	870	12.00	23.08	92	216	137	634.26	.98
48	71,627	896	12.51	22.36	93	79	58	734.18	.80
49	70,731	927	13.11	21.63	94	21	18	857.14	.64
50	69,804	962	13.78	20.91	95	3	3	1000.00	.50
51	68,842	1,001	14.54	20.20					
52	67,841	1,044	15.39	19.49					
53	66,797	1,091	16.33	18.79					
54	65,706	1,143	17.40	18.09					

STATE AND COUNTY POPULATION
1980 FEDERAL CENSUS
1970 FEDERAL CENSUS

The State of Alabama Population 1980 - 3,890,061 — 1970 - 3,444,354

	1980	1970		1980	1970
Autauga	32,259	24,460	Henry	15,302	13,254
Baldwin	78,440	59,382	Houston	74,632	56,574
Barbour	24,756	22,543	Jackson	51,407	39,202
Bibb	15,723	13,812	Jefferson	671,197	644,991
Blount	36,459	26,853	Lamar	16,453	14,335
Bullock	10,596	11,824	Lauderdale	80,504	68,111
Butler	21,680	22,007	Lawrence	30,170	27,281
Calhoun	116,936	103,092	Lee	76,283	61,268
Chambers	39,191	36,356	Limestone	46,005	41,699
Cherokee	18,760	15,606	Lowndes	13,253	12,897
Chilton	30,612	25,180	Macon	26,829	24,841
Choctaw	16,839	16,589	Madison	196,966	186,540
Clarke	27,702	26,724	Marengo	25,047	23,819
Clay	13,703	12,636	Marion	30,041	23,788
Cleburne	12,595	10,996	Marshall	65,622	54,211
Coffee	38,533	34,872	Mobile	364,379	317,308
Colbert	54,519	49,632	Monroe	22,651	20,883
Conecuh	15,884	15,645	Montgomery	197,038	167,790
Coosa	11,377	10,662	Morgan	90,231	77,306
Covington	36,850	34,079	Perry	15,012	15,388
Crenshaw	14,110	13,188	Pickens	21,481	20,326
Cullman	61,642	52,445	Pike	28,050	25,038
Dale	47,821	52,995	Randolph	20,075	18,331
Dallas	53,981	55,296	Russell	47,356	45,394
DeKalb	53,658	41,981	St. Clair	41,205	27,956
Elmore	43,390	33,661	Shelby	66,298	38,037
Escambia	38,392	34,912	Sumter	16,908	16,974
Etowah	103,057	94,144	Talladega	73,826	65,280
Fayette	18,809	16,252	Tallapoosa	38,676	33,840
Franklin	28,350	23,933	Tuscaloosa	137,473	116,029
Geneva	24,253	21,924	Walker	68,660	56,246
Greene	11,021	10,650	Washington	16,821	16,241
Hale	15,604	15,888	Wilcox	14,755	16,303
			Winston	21,953	16,654

INCORPORATED MUNICIPALITIES
1980 FEDERAL CENSUS
1970 FEDERAL CENSUS

	1980	1970		1980	1970
Abbeville	3,155	2,996	Arley	276	164
Adamsville	2,498	2,412	Ashford	2,165	1,980
Addison	746	692	Ashland	2,052	1,921
Akron	604	535	Ashville	1,489	986
Alabaster	7,079	2,642	Athens	14,558	14,360
Albertville	12,039	9,963	Atmore	8,789	8,293
Alexander City	13,807	12,358	Attalla	7,737	7,510
Aliceville	3,207	2,851	Auburn	28,471	22,767
Allgood	387	272	Autaugaville	843	870
Altoona	928	781	Avon	433	374
Andalusia	10,415	10,092	Bobbie	553	82
Anderson	405	—	Baileytown	396	—
Annistown	29,523	31,533	Banks	160	170
Arab	5,967	4,399	Bay Minette	7,455	6,727
Ardmore	1,096	761	Bayou La Batre	2,005	2,664
Ariton	844	643	Bear Creek	353	336

INCORPORATED MUNICIPALITIES CONTINUED

	1980	1970		1980	1970
Beatrice	558	455	Creola	673	—
Beaverton	360	265	Crossville	1,222	1,035
Belk	308	64	Cuba	486	386
Benton	74	115	Cullman	13,084	12,601
Berry	916	679	Dadeville	3,263	2,847
Bessemer	31,729	33,428	Daleville	4,250	5,182
Billingsley	106	110	Daphne	3,406	2,382
Birmingham	284,413	300,910	Daviston	334	247
Black	156	171	Dayton	911	115
Blountsville	1,509	1,254	Decatur	42,002	38,044
Blue Mountain	284	446	Demopolis	7,678	7,651
Blue Springs	112	137	Detroit	326	191
Boaz	7,151	5,635	Dora	2,327	1,862
Boligee	164	225	Dothan	48,750	36,733
Bon Air	118	214	Double Springs	1,057	957
Branchville	365	225	Douglas	116	—
Brantley	1,151	1,066	Dozier	494	304
Brent	2,862	2,093	Dutton	276	423
Brewton	6,680	6,747	East Brewton	2,964	2,336
Bridgeport	2,974	2,908	Eclectic	1,124	1,184
Brighton	5,308	2,277	Edwardsville	207	146
Brilliant	871	726	Elba	4,355	4,634
Brookside	1,409	990	Elberta	491	395
Brookwood	492	—	Eldridge	230	—
Brownville	2,386	501	Elkmont	429	394
Brundidge	3,213	2,709	Enterprise	18,033	15,591
Butler	1,882	2,064	Epes	399	293
Calera	2,035	1,655	Ethelsville	95	98
Camden	2,406	1,742	Eufaula	12,097	9,102
Camp Hill	1,628	1,554	Eunola	169	141
Carbon Hill	2,452	1,929	Eutaw	2,444	2,805
Cardiff	140	127	Eva	185	146
Carolina	203	192	Evergreen	4,171	3,924
Carrollton	1,104	923	Excel	385	422
Carrville	820	895	Fairfield	13,040	14,369
Castleberry	847	666	Fairhope	7,286	5,720
Cedar Bluff	1,129	956	Fairview	450	313
Centre	2,351	2,418	Falkville	1,310	946
Centreville	2,504	2,233	Faunsdale	174	227
Chatom	1,122	1,059	Fayette	5,287	4,568
Cherokee	1,589	1,484	Five Points	197	247
Chickasaw	7,402	8,447	Flint City	673	404
Childersburg	5,084	4,831	Flomaton	1,882	1,584
Citronelle	2,841	1,935	Florala	2,165	2,701
Clanton	5,832	5,868	Florence	37,029	34,031
Clayhatchee	560	505	Foley	4,003	3,368
Clayton	1,589	1,626	Forkland	429	—
Cleveland	487	413	Fort Deposit	1,519	1,438
Clio	1,224	1,065	Fort Payne	11,485	8,435
Coffee Springs	339	329	Franklin	133	—
Coffeeville	448	441	Frisco City	1,424	1,286
Collinsville	1,383	1,300	Fruithurst	239	229
Columbia	881	891	Fulton	606	628
Columbiana	2,655	2,248	Fultondale	6,217	5,163
Coosada	980	—	Fyffe	1,305	311
Cordova	3,123	2,750	Gadsden	47,565	53,928
Cottonwood	1,352	1,149	Gainesville	207	255
County Line	124	—	Gantt	314	—
Courtland	456	547	Gantt's Quarry	71	63
Cowarts	418	350	Garden City	655	745

INCORPORATED MUNICIPALITIES CONTINUED

	1980	1970		1980	1970
Gardendale	7,928	6,537	Jasper	11,894	10,798
Gaylesville	192	161	Jemison	1,828	1,423
Geiger	200	120	Kansas	267	227
Geneva	4,866	4,398	Kennedy	604	415
Georgiana	1,993	2,148	Killen	747	683
Geraldine	911	610	Kimberly	1,043	847
Gilbertown	218	207	Kinsey	1,239	219
Glen Allen	312	276	Kinston	604	540
Glencoe	4,648	2,901	Lafayette	3,647	3,530
Glenwood	341	378	Lakeview	441	13
Goldville	89	—	Lanett	6,897	6,908
Good Hope	1,442	840	Leeds	8,638	6,991
Goodwater	1,895	2,172	Leesburg	116	98
Gordo	2,112	1,991	Leighton	1,218	1,231
Gordon	362	312	Lester	117	70
Goshen	365	279	Level Plains	867	1,007
Grant	632	382	Lexington	884	278
Graysville	2,642	3,182	Libertyville	141	141
Greensboro	3,248	3,371	Lincoln	2,081	1,127
Greenville	7,807	8,033	Linden	2,773	2,697
Grimes	298	191	Lineville	2,257	1,984
Grove Hill	1,912	1,825	Lipscomb	3,741	3,225
Guin	2,418	2,220	Lisman	401	—
Gulf Shore	1,233	909	Littleville	1,262	858
Guntersville	7,041	6,491	Livingston	3,187	2,358
Gurley	735	647	Loachapoka	335	—
Gu-Win	266	231	Lockhart	547	698
Hackleburg	883	726	Locust Fork	488	—
Haleburg	106	104	Louisville	791	785
Haleyville	5,306	4,190	Lowndesboro	207	219
Hamilton	4,792	3,088	Loxley	804	859
Hammondville	369	221	Luverne	2,639	2,440
Hanceville	2,220	2,027	Lynn	554	286
Harpersville	934	639	McIntosh	319	—
Hartford	2,647	2,648	McKenzie	605	491
Hartselle	8,858	7,355	McMullen	164	—
Hayden	268	195	Madison	4,057	3,086
Hayneville	592	473	Madrid	172	238
Headland	3,327	2,545	Malvern	558	227
Heath	354	229	Maplesville	754	704
Heflin	3,014	2,872	Margaret	757	685
Helena	2,130	1,110	Marion	4,467	4,289
Henagar	1,188	812	Maytown	538	667
Highland Lake	210	108	Memphis	95	—
Hillsboro	278	222	Mentone	476	407
Hobson City	1,268	1,124	Midfield	6,536	6,621
Hodges	250	207	Midland City	1,903	1,172
Hokes Bluff	3,216	2,133	Midway	593	558
Holly Pond	493	325	Millbrook	3,101	—
Hollywood	1,110	301	Millport	1,287	1,070
Homewood	21,271	21,245	Millry	956	911
Hoover	15,064	688	Mobile	200,452	190,026
Horn Hill	186	—	Monroeville	5,674	4,846
Hueytown	13,309	7,095	Montevallo	3,965	3,719
Huntsville	142,513	139,282	Montgomery	178,157	133,386
Hurtsboro	752	937	Moody	1,840	504
Ider	698	—	Mooresville	58	72
Irondale	6,521	3,166	Morris	623	519
Jackson	6,073	5,957	Mosses	649	—
Jacksonville	9,735	7,715	Moulton	3,197	2,470

INCORPORATED MUNICIPALITIES CONTINUED

	1980	1970		1980	1970
Moundville	1,310	996	Reform	2,245	1,893
Mountainboro	266	311	Repton	313	277
Mountain Brook	17,400	19,474	Ridgeville	182	177
Mount Vernon	1,038	1,079	River Forks	669	580
Mulga	405	582	Riverside	849	351
Muscle Shoals	8,911	6,907	Riverview	132	110
Myrtlewood	252	334	Roanoke	5,896	5,251
Napier Field	493	572	Robertsdale	2,306	2,078
Nauvoo	259	265	Rockford	494	603
Nectar	367	—	Rogersville	1,224	950
Newbern	307	286	Roosevelt City	3,352	3,663
New Brockton	1,392	1,374	Rosa	204	—
New Hope	1,546	1,300	Russellville	8,195	7,814
New Site	340	548	Rutledge	496	353
Newton	1,540	1,865	St. Florian	263	—
Newville	814	465	Samson	2,402	2,257
North Johns	243	241	Sanford	250	256
Northport	14,291	9,435	Saraland	9,833	7,840
Notasulga	876	833	Sardis	883	368
Oak Grove	638	482	Satsuma	3,791	2,035
Oak Hill	63	86	Scottsboro	14,758	9,324
Oakman	770	853	Section	821	702
Odenville	724	533	Selma	26,684	27,379
Ohatchee	860	445	Sheffield	11,903	13,115
Oneonta	4,824	4,390	Shiloh	297	233
Onycha	147	—	Silas	343	345
Opelika	21,896	19,027	Silverhill	624	552
Opp	7,204	64,93	Sipsey	678	608
Orrville	349	362	Slocomb	2,153	1,883
Owens Crossroads	804	767	Snead	667	347
Oxford	8,939	4,361	Somerville	140	185
Ozark	13,188	13,555	Southside	4,848	983
Paint Rock	221	226	South Vinemont	615	480
Parrish	1,583	1,742	Springville	1,476	1,153
Pelham	6,759	931	Steele	795	798
Pell City	6,616	5,602	Stevenson	2,568	2,390
Pennington	355	301	Sulligent	2,130	1,762
Petrey	93	122	Sumiton	2,815	2,374
Phenix City	26,928	25,281	Summerdale	546	550
Phil Campbell	1,549	1,230	Sweet Water	253	265
Pickensville	132	132	Sylacauga	12,708	12,255
Piedmont	5,544	5,063	Sylvania	1,156	476
Pinckard	771	609	Sylvan Springs	450	344
Pine Apple	298	347	Talladega	19,128	17,662
Pine Hill	510	697	Talladega Springs	196	143
Pisgah	699	519	Tallassee	4,763	4,809
Pleasant Grove	7,102	5,090	Tarrant City	8,148	6,835
Pollard	144	86	Taylor	1,003	174
Powell's Crossroads	636	474	Thomaston	679	824
Prattville	18,647	13,116	Thomasville	4,387	3,769
Priceville	966	—	Thorsby	1,422	944
Prichard	39,541	41,578	Town Creek	1,201	1,203
Providence	363	—	Toxey	265	304
Ragland	1,860	1,239	Trafford	673	628
Rainbow City	6,299	3,099	Triana	285	228
Rainsville	3,907	2,099	Trinity	1,328	881
Ranburne	417	371	Troy	12,587	11,482
Red Bay	3,232	2,464	Trussville	3,507	2,985
Red Level	504	616	Tuscaloosa	75,143	65,773
Reece City	718	496	Tuscumbia	9,137	8,828

INCORPORATED MUNICIPALITIES CONTINUED

	1980	1970		1980	1970
Tuskegee	12,716	11,028	Waverly	228	247
Union	358	—	Weaver	2,765	2,091
Union Grove	127	118	Webb	448	354
Union Springs	4,431	4,324	Wedowee	908	842
Uniontown	2,112	2,133	West Blocton	1,147	1,172
Valley Head	609	470	West Jefferson	357	233
Vance	254	—	Weston	645	187
Vernon	2,609	2,190	West Point	248	—
Vestavia Hills	15,733	12,250	Wetumpka	4,341	3,912
Vina	346	366	Whites Chapel	336	334
Vincent	1,652	1,419	Wilmer	581	—
Vredenburgh	433	521	Wilsonville	914	659
Wadley	532	626	Wilton	642	573
Waldo	231	—	Winfield	3,781	3,292
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Cox, John W., honored—Act 81-117, SJR 57. Regular Session	138
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